McCLURE'S MAGAZINE

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SENATOR PLATT'S AUTOBIOGRAPHY

PART I

TWO NOMINATIONS OF ROOSEVELT

HOW THE REPUBLICAN BOSS MADE HIM A CANDIDATE FOR GOVERNOR TO SAVE THE PARTY FROM DEFEAT —AN ANSWER TO THE CRITICS WHO SAID PLATT NOMINATED ROOSEVELT FOR VICE-PRESIDENT IN ORDER TO SHELVE HIM

IN April, 1898, when few questioned that Frank S. Black would be named for a second term as Governor of New York, I was asked if there was the slightest doubt about his renomination.

"Yes, there is," was my response. "McKinley and Congress are liable to declare war on Spain at any moment. That war may develop a hero. Popular sentiment may force the nomination of that hero for Governor of New York. Theodore Roosevelt has just resigned as Assistant Secretary of the Navy, and is drilling his Rough Riders in the West. General Francis V. Greene and Colonel Frederick D. Grant have volunteered their services. Any one of them might come out of the war adorned with such laurels as to compel his nomination."

Threats of so-called Independents had, in fact, caused me to do a heap of thinking in the few months before. Black had run a Simon-pure party régime, had planned a renomination, and secretly nursed a hope that he would land the Presidency.

The rebellion against the Black methods for subordinating the State government to the interests of the "regular troops" developed when the Independents, led by the Union League Club of New York City, put forward Joseph H. Choate against me as a candidate for United States Senator. Cognizant of the revolts that had sent Judge Folger to a political grave, deprived Blaine of the Presidency, and placed the national and State governments in the custody of the Democrats for eight and ten years respectively, I began to formulate plans for holding our enemies in leash.

I. Send Quigg to Roosevelt at Montauk

Later in the year, while division was acute among the New York leaders as to who should be the candidate for Governor, Roosevelt, covered with military glory, came back from Cuba. I sent Lemuel Ely Quigg to Montauk Point, where the Colonel was camped with his spectacular troop. I requested Mr. Quigg to sound the Colonel on running for Governor. Mr. Quigg found the Colonel more than pleased with the suggestion.

When Quigg plumped at Roosevelt the question, "Would you accept the Republican nomination for Governor?" there was no hesitation in the answer.

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Like cracks from a rifle, the gallant Colonel came back with:

"Would I? I would be delighted!"

"Then count upon Senator Platt's support. Come to the Fifth Avenue Hotel to see him," was Quigg's reply.

Roosevelt came to the Fifth Avenue Hotel. We had a long talk. We buried past differences. He agreed to head the Republican State ticket, if nominated, and to consult with me and other party leaders about appointments and legislation in case he was elected. When Colonel Roosevelt parted from me, he was my choice for Governor. I set to work to nominate and elect him.

Was Roosevelt Eligible for Governorship?

The perplexing and all but fatal incidents that occurred prior to the State Convention at Saratoga in September, 1898, were described by me in a recent magazine article, as follows:

"It will be remembered that, while the candidacy was in process of development, the opponents of his nomination became apprised of the fact that during the previous year, when Mr. Roosevelt was Assistant Secretary of the Navy, he had sworn off his taxes in New York on the theory that he was a resident of the District of Columbia, and therefore was ineligible for the Governorship of New York State. Presuming that the opponents of his nomination would use this fact in the approaching State convention, to his detriment, I called a meeting of my friends at the Fifth Avenue Hotel to consider methods of meeting the expected attack upon eligibility. Elihu Root, who recently succeeded me in the United States Senate, was one of those present at the meeting. So was Mr. Roosevelt.

"While this meeting was being held, a committee representing the opposition to Mr. Roosevelt, headed by Edward Lauterbach, called at my rooms at the Fifth Avenue. Mr. Lauterbach, Louis Payn, and others were in the party, and they were all earnest advocates of the renomination of Governor Black. I left the assemblage of my friends and went to meet this committee. They had with them Mr. Roosevelt's affidavit of his non-residence in the State of New York, which they asked me to read and explain how, in the face of such a declaration, it would be possible to proceed with the plans for his Gubernatorial nomination. Lacking any other expedient, I informed them that if they were possessed of all the facts they would view the matter differently, and that later I hoped to apprise them of such facts. I then rejoined my friends in another room, and reported to them what Mr. Lauterbach and his associates had presented for my consideration.

"Is the Hero of San Juan a Coward?"

"At this juncture Mr. Roosevelt took me aside, and said, with a trepidation I had never before and have never since seen him display: 'I cannot remain in this fight: I must withdraw from the race.'

"His desire to withdraw was made apparent to every one in the room. The fatal effect of his withdrawal was to me so manifest that I replied: 'You must not withdraw. You must trust to me to solve the problem and elect you Governor of the State.'

"In order to emphasize my determination and to restore his courage, I said with brutal frankness: 'Is the hero of San Juan a coward?'

He replied with his customary vehemence: 'No, I am not a coward!'

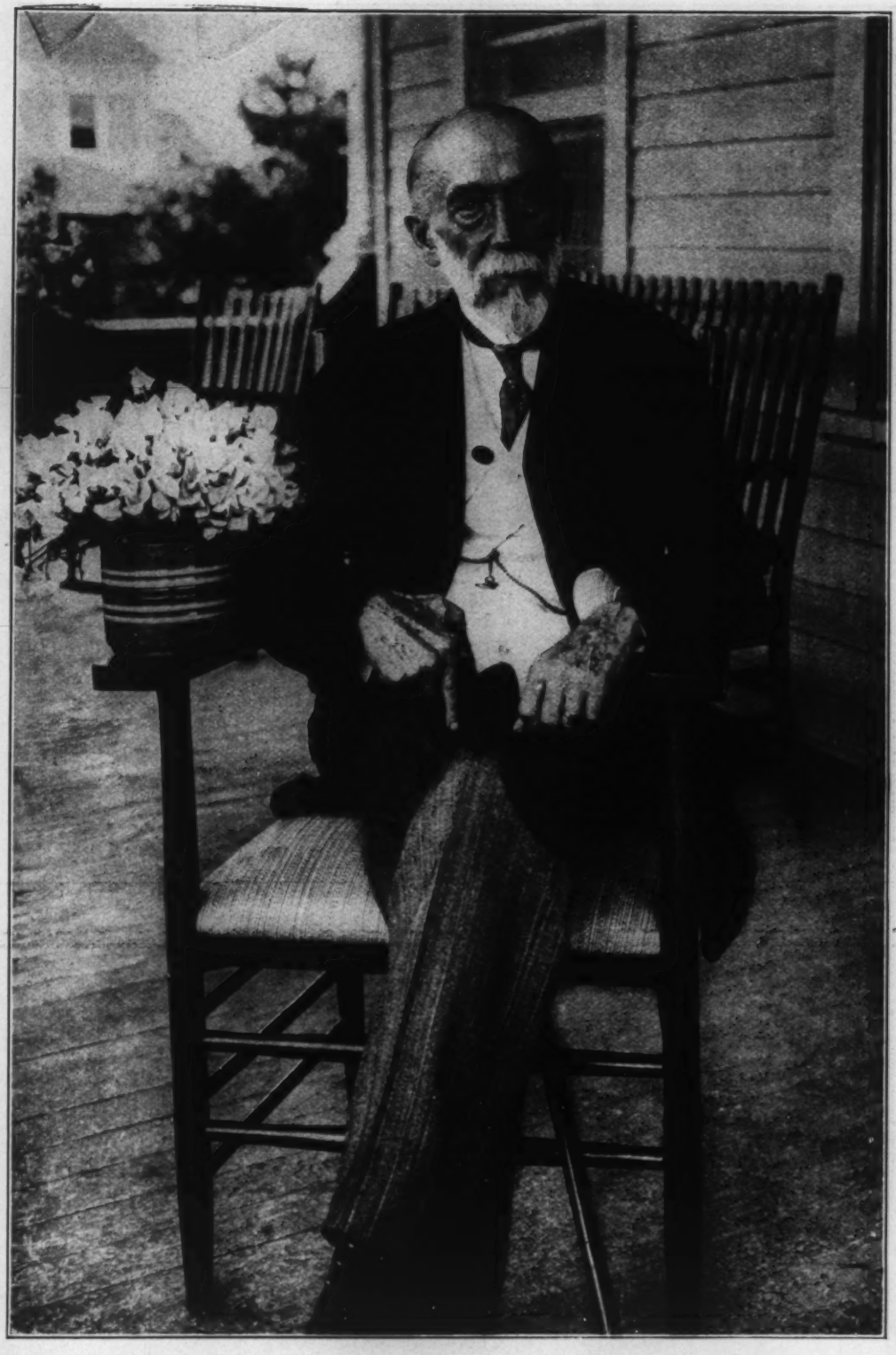
"We then resumed the discussion of methods of procedure, and, at my suggestion, Mr. Root went to Massachusetts, where Joseph H. Choate was sojourning, in order to obtain his views in the premises. The meeting was then disbanded, and was resumed at Saratoga some days later, where the Republican State Convention was assembling.

Choate Calls the Case Hopeless

"At this second meeting there were present Mr. Root, Mr. Depew, Frank Hiscock, Judge George W. Ray of the United States District Court, and others. Mr. Root reported to me that Mr. Choate had expressed the opinion that the cause was hopeless, and added, for himself, that he had grave doubts of the possibility of making a successful contention in Mr. Roosevelt's favor. He said that Mr. Choate expressed the further opinion that the only hope of success lay in forcing the nomination through the convention by sheer weight of numbers.

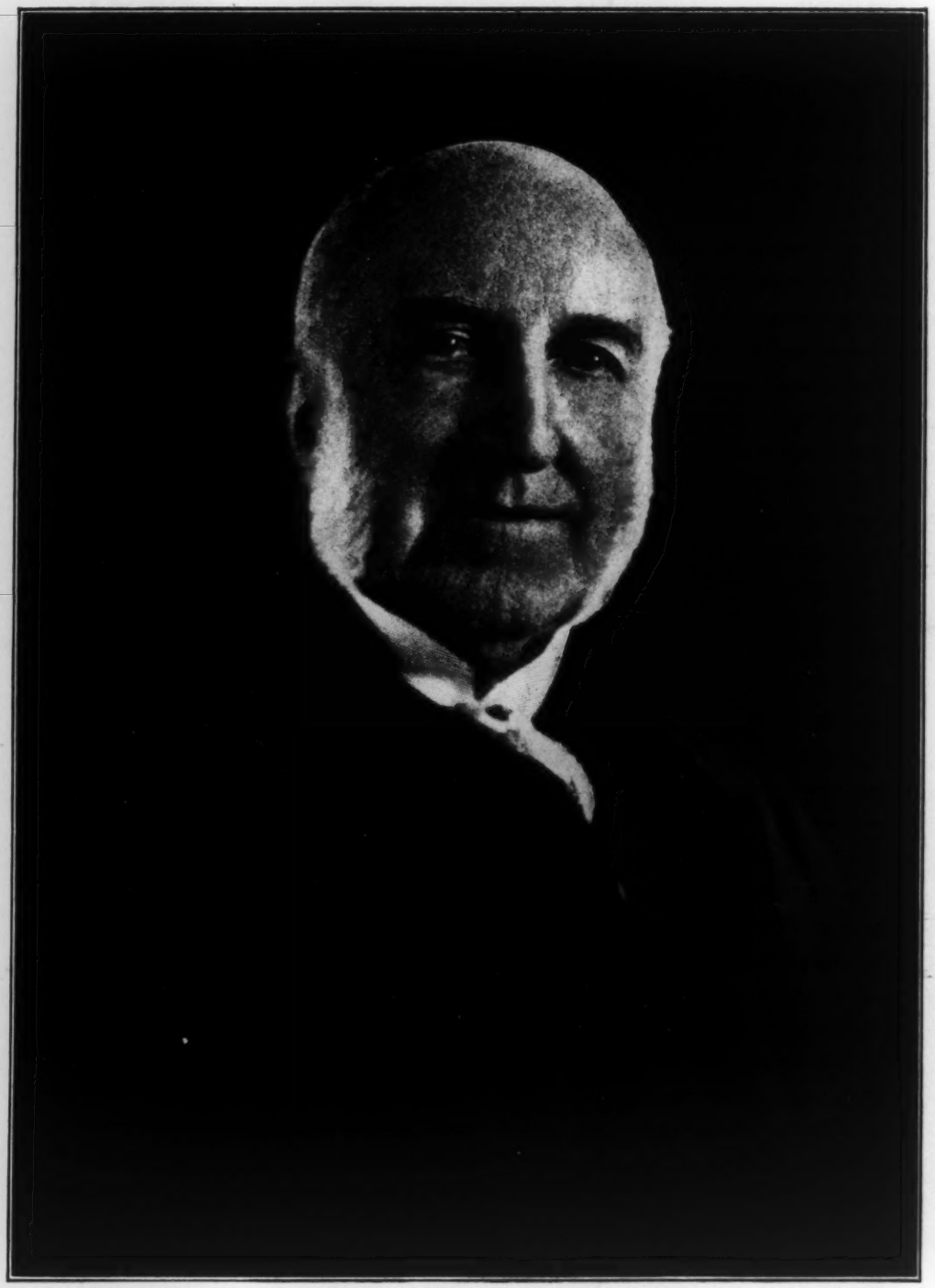
"I asked him if he had mentioned the matter to any one else, to which he replied that he had not done so. I asked him to refrain from doing so; told him that the plan to nominate Mr. Roosevelt must be carried through at all hazards, and that he must appear before the convention and make the argument in favor of Mr. Roosevelt's nomination.

"The gentlemen then addressed themselves to the task of formulating arguments that could be presented to the convention in support of Mr. Roosevelt's nomination. Judge Ray probably adduced the principal arguments, upon which, the following day, Mr. Root made his famous speech in support of Mr. Roosevelt's candidacy and eligibility. This task Mr. Root performed so exceedingly well that the opposition to the nomination of Mr. Roosevelt was effectually quelled. And so effective were the



THOMAS COLLIER PLATT

"INSTEAD OF SHELVING ROOSEVELT," PLATT WRITES IN HIS AUTOBIOGRAPHY, "I MUST PLEAD GUILTY TO THE CHARGE OF KICKING HIM UPSTAIRS; I BELIEVE ROOSEVELT HIMSELF WOULD CONVICT ME OF THIS"



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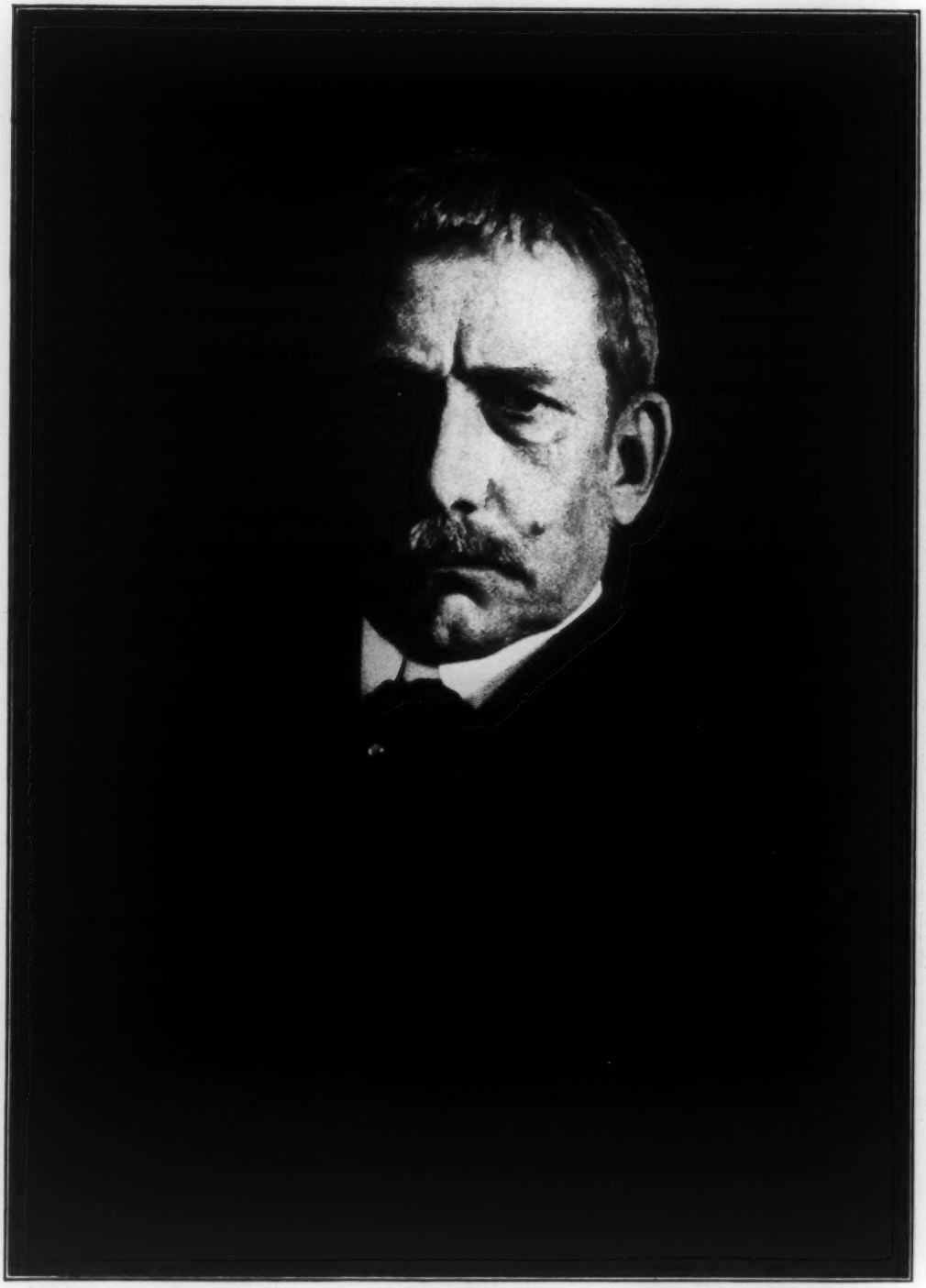
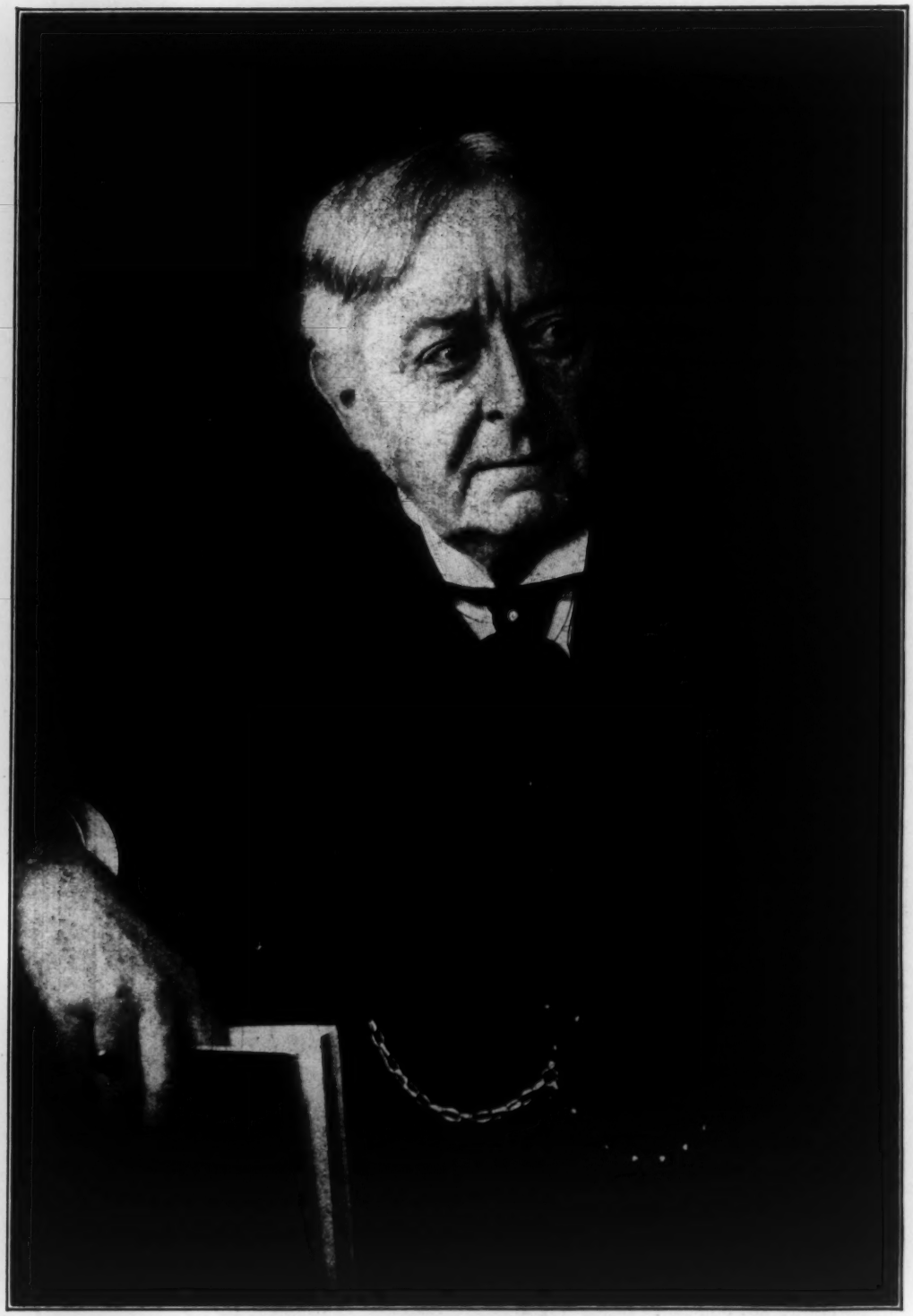
SENATOR CHAUNCEY M. DEPEW

HE WAS ELECTED IN 1899, AND FOR THE FIRST TIME IN A DECADE NEW YORK WAS REPRESENTED BY TWO REPUBLICAN SENATORS



SENATOR ROOT OF NEW YORK

WHEN ROOSEVELT'S ENEMIES SAID HE WAS INELIGIBLE FOR GOVERNOR BECAUSE, IN SWEARING OFF HIS TAXES, HE HAD SWORN THAT HE WAS A NON-RESIDENT, ROOT SQUELCHED THE OPPOSITION IN A POWERFUL SPEECH BEFORE THE CONVENTION



JOSEPH H. CHOATE

HIS CANDIDACY FOR THE UNITED STATES SENATE, BACKED BY INDEPENDENT REPUBLICANS, FRIGHTENED SENATOR PLATT AND WAS AN IMPORTANT FACTOR IN BRINGING ABOUT THE NOMINATION OF ROOSEVELT FOR GOVERNOR

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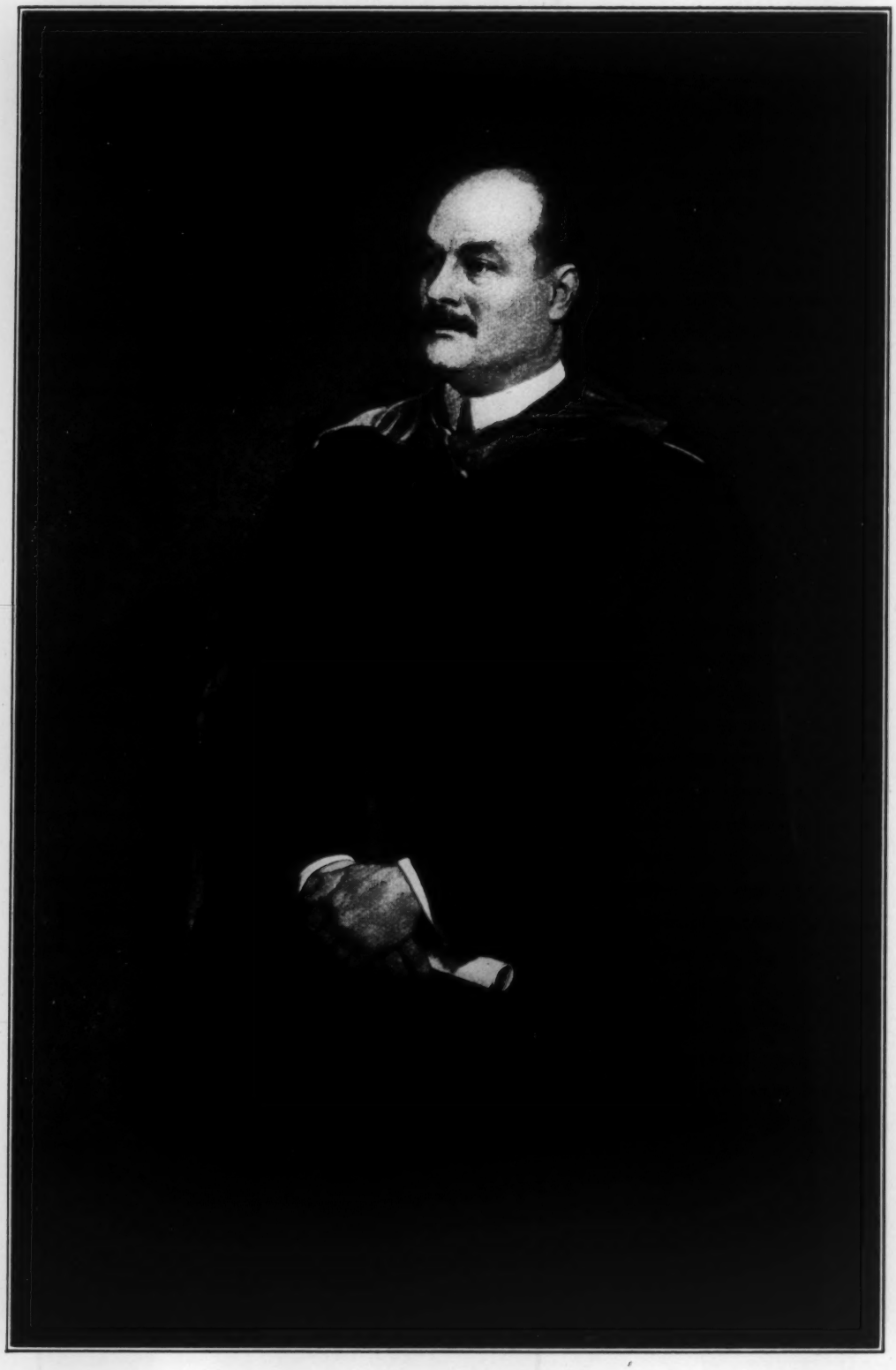
EX-GOVERNOR FRANK S. BLACK

WHOSE POLITICAL CAREER WAS SACRIFICED UPON THE ALTAR OF ROOSEVELT'S WAR RECORD. HE WAS A CANDIDATE FOR RENOMINATION IN 1898, WHEN BOSS PLATT, RESPONDING TO PUBLIC DEMAND, NOMINATED THE HERO OF SAN JUAN HILL. EX-GOVERNOR BLACK IS NOW ONE OF THE LEADING MEMBERS OF THE NEW YORK BAR

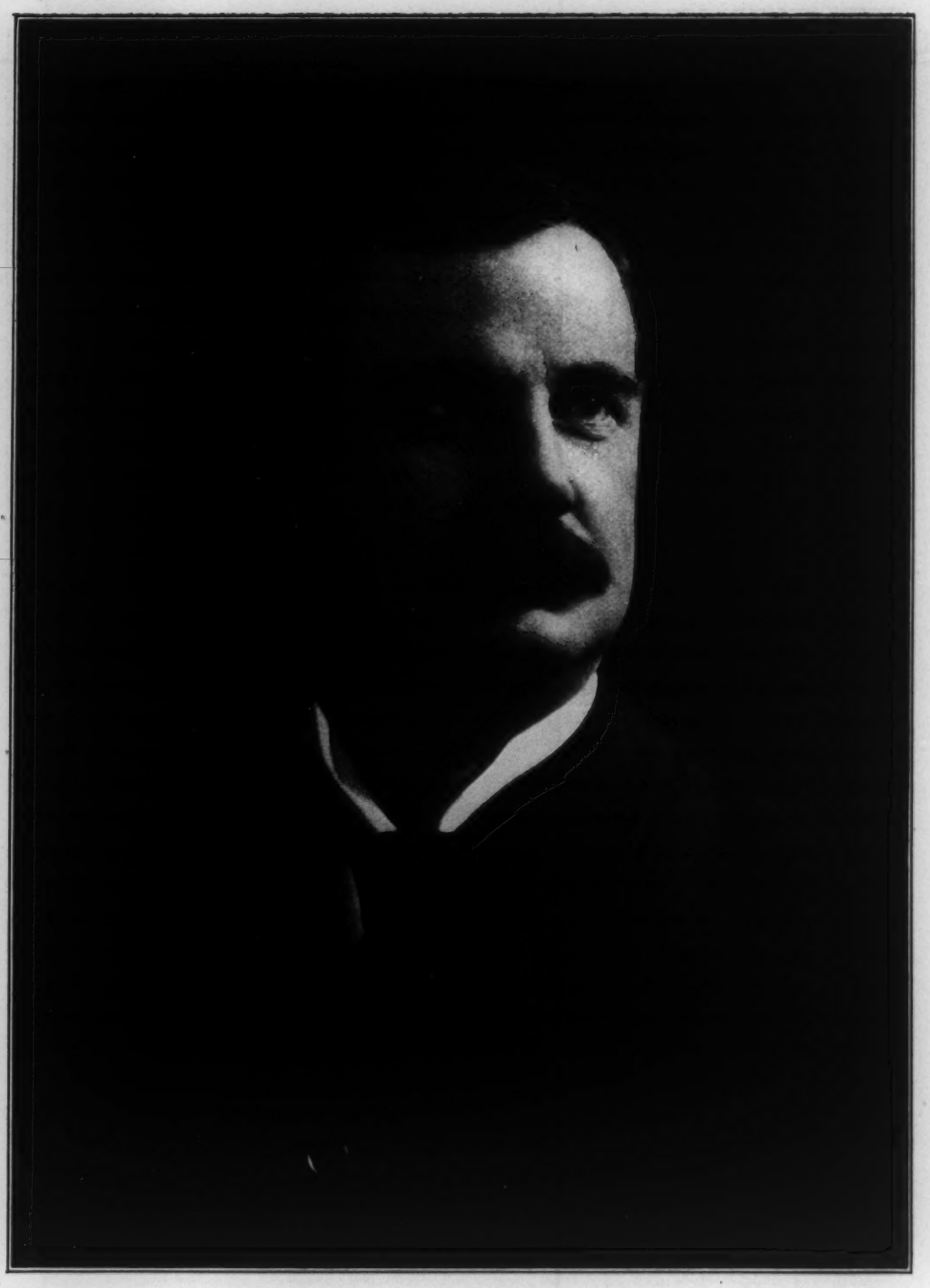


NICHOLAS MURRAY BUTLER

PRESIDENT OF COLUMBIA UNIVERSITY, NEW YORK. WITH DR. ALBERT SHAW AND OTHER FRIENDS OF THE UNWILLING CANDIDATE, HE TRIED TO PREVENT THE NOMINATION OF ROOSEVELT FOR VICE-PRESIDENT

THEODORE ROOSEVELT

"HE AGREED THAT HE WOULD CONSULT ME ON ALL APPOINTMENTS. HE RELIGIOUSLY FULFILLED THIS PLEDGE, ALTHOUGH HE FREQUENTLY DID JUST WHAT HE PLEASED."—FROM THE AUTOBIOGRAPHY OF SENATOR PLATT



EX-GOVERNOR BENJAMIN B. ODELL

PLATT FORCED THE NOMINATION OF ROOSEVELT AS VICE-PRESIDENT TO PAVE THE WAY FOR ODELL'S NOMINATION FOR GOVERNOR. ODELL TURNED TRAITOR AND OVERTHREW PLATT, BUT WAS DEPOSED HIMSELF NOT LONG AFTERWARD

arguments of Mr. Root that the Democrats in the campaign which followed never so much as broached the subject of Mr. Roosevelt's ineligibility." *

Roosevelt and Two Republican Senators

Roosevelt made a dramatic campaign. He fairly pranced about the State. He called a spade a "spade," a crook a "crook"! During the final week of the canvass he made the issue Richard Croker, the Tammany boss who had been so excoriated by the Lexow and Mazet committees. The Rough Rider won on election day with over seventeen thousand plurality.

I have always maintained that no man except Roosevelt could have accomplished that feat in 1898.

The Legislature being Republican in both branches, it was easy for us to supplant the Democratic United States Senator, Edward Murphy, Jr., whose term expired March 4, 1899. Governor Roosevelt, Lieutenant-Governor Woodruff, State Chairman Odell, and I united in selecting Chauncey M. Depew. He was chosen to Murphy's seat early in January, 1899, securing the solid vote of his party associates, and, finally, the united support of the legislators without regard to political proclivities. Depew joined me in Washington on March 4. Then, for the first time in a decade, New York was represented in the United States Senate by two Republicans.

"He'll Get You, Too, Soon"

Upon his inauguration, Governor Roosevelt started in whirlwind fashion to clean house at Albany. He threw Superintendent of Insurance Louis F. Payn out of his job so quickly as to send that official to me with a cry: "I warned you that this fellow would soon have you dangling at his chariot wheel. You would not believe me. He has begun by scalping members of your 'Old Guard.' He'll get you, too, soon."

I agreed to the appointment of Francis Hendricks as Superintendent of Insurance, and, though Seth Low recommended Colonel John N. Partridge for Superintendent of Public Works, offered no serious objection to the elevation of that man. Roosevelt had from the first agreed to consult me on all questions of appointments, legislation, or party policy. He religiously fulfilled this pledge, although he frequently did just what he pleased. In consulting me, Roosevelt proved himself the antithesis of Garfield, who repudiated every contract he ever made with me. I have ever preferred that a man should tell me frankly, face to face, that he will or will not do a thing, than to promise to do it and then refuse to do it. Roosevelt told me, for instance, that he proposed to remove Lou Payn. I protested, but he was removed, and I was consulted about the appointment of his successor.

The great dispute between Roosevelt and me came, however, when the Governor announced that corporations must pay a franchise tax, and had bills drawn providing for this. Chairman Odell, of the State Committee, and organization leaders generally hoisted the signal of rebellion. Roosevelt clenched his fist and gritted his teeth, and drove through the Legislature the franchise tax law, which, though supposed to be in operation for the last ten years, is still being fought by public utilities corporations in the courts.

Right upon the heels of the enactment of this legislation, Roosevelt made it known that he would be a candidate for renomination. I determined that he should be the candidate for Vice-President, and that Odell, who had all but been named in 1896, when there was a sudden shift to Black, should head the State ticket.

Roosevelt Needed on the National Ticket

I might be accused of telling tales out of school should I entirely divulge the details of the campaign of 1900; but I will say that, as the time approached for holding the Republican National Convention at Philadelphia, it became apparent that the administration forces, headed by Senator Hanna, would oppose the nomination of Theodore Roosevelt for the Vice-Presidency. I felt that the death of Vice-President Hobart had weakened the Republican party, and that some strong, popular personality should be added to the ticket to be nominated in 1900; and I firmly believed that the virile personality of Mr. Roosevelt, supported by his war record in Cuba and by his administrative record as Governor of New York, would add great strength to the national ticket that year.

Frederick S. Gibbs was the member of the National Committee from the State of New York. He was also a member of the Executive Committee, and in that capacity went to Philadelphia a week or two before the gathering of the convention in which the National Committee was to give hearings to contesting delegations. I think it was a week before the meeting of the National Convention that Mr. Gibbs called up one of my friends in New York on the telephone, and asked him to tell me that the great majority of the National Committee, headed by Senator Hanna, was shaping things to bring about the nomination of Cornelius N. Bliss for Vice-President. Mr. Gibbs evidently

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had the impression that this could be brought about, and as he knew my firm belief that Roosevelt should be a candidate, he thought it wise to let me know about it.

The word that he brought was that I ought to get in touch with members of the National Committee, then in Philadelphia, with a view to heading off this sentiment which was developing as the hearing of the contests proceeded. I was so confident of what would be the outcome of the convention that I replied to the man who brought Mr. Gibbs' message that I would not take the trouble to call him or any other member of the National Committee on the telephone, because he was unduly exercised, and nothing was more certain in my mind than that Mr. Roosevelt would be the Vice-Presidential candidate.

Platt and Quay for Roosevelt

I went to Philadelphia on the following Saturday firmly imbued with this belief, and resolved to exert myself to the utmost to accomplish such a result. My resources were somewhat reduced by the fact that on the afternoon upon which I left for Philadelphia an accident resulted in one of my ribs being broken. Notwithstanding this disability, I took the train for Philadelphia, accompanied by Mr. Roosevelt, Mr. Depew, and Mr. Odell.

Upon reaching Philadelphia, I was promptly interviewed by the late Senator Quay, who believed, as I did, that the nomination of Mr. Roosevelt for Vice-President of the United States was a party necessity. We agreed to combine our forces for the accomplishment of this end; but, since we were greatly outnumbered by the administration forces, some strategical operations were deemed advisable in order to demoralize and, if possible, disorganize the administration opposition to our plan. Accordingly, Mr. Quay let it become known that he intended, upon the assembling of the convention, to offer a resolution reducing the representation in convention of certain Southern States upon the basis of the voting population. A large measure of the strength of the opposition lay in the South, and the proposition of Senator Quay created great consternation in the administration forces.

While they were engaged in efforts to combat such diminution of their strength, we were busily concentrating the votes of the New York and Pennsylvania delegations and such other delegations as were not committed upon the Vice-Presidency. Senator Quay's task was easier than mine, for the reason that the Pennsylvania delegation was virtually a unit upon the proposition, while that of New York was divided, first, by the unalterable opposition of Mr. Roosevelt himself to his nomination, and, second, by the aggressive candidacy of Timothy L. Woodruff, of Brooklyn.

Roosevelt Tells Papers He Will Not Run

It is hardly worth while to elaborate the incidents of the first few days of the canvass, because they were overshadowed by two or three occurrences of the greatest significance and importance, which followed in close succession during the few hours immediately preceding the meeting of the convention. The Roosevelt sentiment was gradually developing strength, and Mr. Quay and I were becoming greatly encouraged, when, on the afternoon before the convention met, General Francis V. Greene, a close friend of Mr. Roosevelt, and himself a passive candidate for the nomination, came to my room for the purpose of dissuading me from further effort in Mr. Roosevelt's behalf. I resisted his arguments until he startled me by saying that Mr. Roosevelt had a few minutes before given to the newspapers an interview in which he stated positively that he would not accept the nomination — that his closest and most valued friends had advised against his being a candidate, and he had definitely made up his mind to follow their advice.

At this juncture, Senator Penrose of Pennsylvania, accompanied by John P. Elkin of that State, entered my room, and announced that the Pennsylvania delegation had just caucused, and had voted with virtual unanimity to support Mr. Roosevelt for the Vice-Presidency. I pointed to General Greene and said:

"This gentleman, who is a close friend of Governor Roosevelt, has just informed me that the Governor has given to the newspapers a statement to the effect that he will not accept a Vice-Presidential nomination."

Senator Penrose said: "He had better go back to the Governor and tell him it is high time he learned who his real friends are."

That night the New York delegation held its caucus. Owing to my broken rib, I was unable to attend.

Hanna Capitulates — Roosevelt Still Protests

While the caucus was taking place, I sent my secretary to Senator Hanna, asking him to call on me in my apartment. He responded to the call, and we two alone discussed the situation. At first Senator Hanna obdurately opposed my efforts to convince him of the party necessity of nominating Mr. Roosevelt; but finally I won him over to my idea, and he left my room promising to issue, that night, a public statement to the effect that, in his judgment, Mr. Roosevelt

should be the candidate of the convention. This promise he faithfully kept, and from that moment the nomination was assured.

Meantime Governor Roosevelt was in his room, protesting to everybody that he would, if nominated for Vice-President, arise in the convention and unequivocally decline. I heard about this, and asked my son Frank to go to him and say that he would be nominated; that he could not stop that; and I wanted his promise that if he were made McKinley's associate he would run.

Roosevelt and my son soon came to my rooms. The Governor was in a state of rare excitement, even for him.

"You Cannot be Renominated Governor"

"I shall go to the New York caucus, and tell the delegates that I shall, if nominated for Vice-President, arise in the convention and decline. I can serve you, Senator Platt, far better as Governor than as Vice-President," said Roosevelt pugnaciously.

"But you cannot be renominated for Governor, and you are going to be nominated for Vice-President," was my retort.

"I cannot be renominated?" queried Roosevelt.

"No; your successor is in this room," said I, pointing to Chairman Odell. "Now, I want your promise that if you are indorsed by the New York caucus you will not refuse, and that if you are nominated by the convention you will run," I added.

Roosevelt showed his teeth, paced up and down the room, and chafed as a horse does under a tight rein and curbed bit.

"Well, Senator Platt," finally returned Roosevelt reluctantly, "I will pledge myself not to decline formally the New York caucus indorsement. But I shall certainly urge the caucus to name another," he added.

"And remember that I shall pinch you if I see any signs of your getting up and declining," put in my son.

"All right; you may pinch me as hard as you like," answered Roosevelt, as he and Frank hurried to the caucus of the New York delegation, then in progress on the main floor of the Hotel Walton.

The session was a long and heated one. Some of the delegates used very plain English to Governor Roosevelt. One of the most forceful speeches was made by Edward Lauterbach. Rising in his seat and advancing to the front row of delegates, where Mr. Roosevelt was seated, Mr. Lauterbach, emphasizing his remarks by gestures almost in Mr. Roosevelt's face, said to him:

"Your very presence at this convention as a delegate at large is an allurement to the convention to nominate you. You come here, and, moving among the delegates, associating with your old friends from the West, and for that matter from all parts of the country, with the glamour of the Spanish War resting on you, you tempt the delegates to support you and make you the candidate, regardless of what you may say as to your wishes in the matter."

While he was speaking, as many will remember, the elevator in the Walton Hotel suddenly fell, with a loud crash. This interrupted the speech and caused confusion for a few minutes. As soon as order was restored, Mr. Lauterbach relieved the tension by the jocose remark:

"I brought down the house, anyhow."

Senator Depew was presiding, and at length Mr. Roosevelt arose and addressed him. He reiterated in most emphatic terms his statement that he was not a candidate for the Vice-Presidency, and his associates from New York must respect his wishes and neither work among the delegates to bring about his nomination nor present his name to the convention for that office.

A Pinch Made Roosevelt President

Just as Dr. Albert Shaw, Frederick W. Holls, Nicholas Murray Butler, and others of Roosevelt's self-constituted friends clustered about him and whispered audibly, "Say you'll decline if nominated, Governor," my son pinched Roosevelt in the leg and said, "Remember your contract with the Senator, Governor."

Roosevelt kept faith. He ignored the solicitations of Shaw and the others, and sat down. In other words, a pinch may be said to have made Roosevelt President; for, had he executed the threat of declining and had it been accepted, he would never have reached the White House. Former Senator Elon R. Brown of Jefferson, Judge Leslie W. Russell of St. Lawrence, Congressman George E. Waldo of Brooklyn, and ex-Senator George B. Sloan of Oswego were among those who spoke. In dignified and forceful language, Senator Brown, Mr. Sloan, and Mr. Russell said that Mr. Roosevelt's wishes ought to be respected and that the Vice-Presidency should not be forced upon him against his expressed desire. Several of the speakers favored the candidacy of Timothy L. Woodruff. The discussion lasted about two hours. At length a motion was made and carried without a dissenting voice that the delegation support Lieutenant-Governor Timothy L. Woodruff as New York's candidate for the Vice-Presidency,

and the meeting adjourned with that as its only action.

Roosevelt Concludes to Accept

About the time that the announcement of New York's action was made to the delegates scattered throughout the hotel corridors and in the small rooms upstairs, the statement came from Senator Hanna that, in his opinion, Mr. Roosevelt should be the candidate for Vice-President, and that he would work to his utmost to bring about his nomination. The events of the next day showed that Mr. Hanna had gaged the situation accurately. Mr. Woodruff withdrew his name from the consideration of the New York delegates when it became known that Mr. Roosevelt would accept.

Of course, the usual spectacular effects of a convention crowd were employed in developing, drawing out, and crystallizing what was actually to be the result of the convention. One of these incidents was the appearance of the entire delegation from Kansas, profusely decorated with badges, at Governor Roosevelt's headquarters. In the presence of the newspaper men, whom they had summoned, they announced to him:

"Whatever might be your wishes, ambition, or final decision, this delegation proposes to vote for you at all hazards; nothing that you could say would stop us from using all our efforts in your behalf, both in preliminaries, in the corridors, and on the floor of the convention."

It was on this occasion that Roosevelt caused it to be known that he would yield as gracefully as possible if the convention "took the bit in its teeth" and insisted upon nominating him. Such a demonstration, however, was merely an incident. The nomination of Mr. Roosevelt was as certain as fate when Senator Hanna made it known to Senator Quay and to me that he would join his forces with ours.

The wisdom of my insistence that Roosevelt should be McKinley's running mate was vindicated at the polls. The McKinley-Roosevelt team simply ran away from Bryan and his mate, and New York State was kept in the Republican column.

Nicholas Murray Butler, president of Columbia University, Albert Shaw of the *Review of Reviews*, Frederick W. Holls, and others who pretended to be Governor Roosevelt's friends at Philadelphia, were most persistent in trying to poison the Governor's mind with insinuations that my sole object in naming him for Vice-President was politically to "shelve" him. I ignored this twaddle at the time, and I have no recollection of referring to it publicly since. Instead of "shelving" Roosevelt, I must plead guilty to the charge of "kicking him upstairs." I believe Roosevelt himself would convict me of this.

Relations with McKinley

My relations with President McKinley were, from the beginning of his first administration, cordial. He never held it against me that I had honestly opposed his nomination, through the sincere conviction that Governor Morton would be more acceptable to New York and the East, and that I regarded him (McKinley) wabbly on finance. He committed no such errors as did Garfield in refusing to accept the recommendation of the Empire State organization for Federal places in New York. Invariably, when an office was to be filled, he requested that I, as chief of the organization and United States Senator, submit our choice. And, except in rare cases, that choice was his.

For instance, when certain anti-machine leaders, who based their claims for recognition solely upon the ground that they had supported him for the nomination at St. Louis, while the regular organization was against it, sought to appropriate the New York patronage, President McKinley frankly told them that they must invent some better excuse than that. In spite of their arguments, he appointed George R. Bidwell Collector of the Port of New York, Cornelius Van Cott Postmaster, and named for the other big offices only such men as had the indorsement of the dominant organization.

When he made up his mind to appoint Cornelius N. Bliss Secretary of the Interior, he sent for me and asked if I had any objections. Though Bliss had been anything but a friend, I answered that I believed he would be an excellent Cabinet officer, and that if his appointment would restore harmony among New York Republicans I would offer no protest. Bliss was named. For a time, at least, there was no friction between the wings represented by Bliss and myself. Once in a while there were differences between us about New York appointments, but they were eventually smoothed over, and Bliss went out of the Cabinet voluntarily, with my benediction.

The Tender-Hearted McKinley

President McKinley was the most tender-hearted man I ever met in politics. He was a peacemaker rather than a fighter. Perhaps, to him, the cruelest act he was ever called upon to perform was to advise the declaration of war upon Spain in 1898. He had served with distinction in the Civil War. He told me he had seen blood and carnage enough then to satisfy him for a lifetime. His chief solicitation was in

regard to the American homes that would be wrecked, and the widows and orphans that would be made, through any official act of his. But when the hour came for him to take a decisive step, with the memory of the brave sailor boys who died aboard the *Maine* sunk deep in his heart, he did not falter. No man in this country was happier than when articles of peace were signed; and no man did more to secure to Cuba and her people the freedom for which they fought.

There was not a ripple of opposition to the renomination of President McKinley. His election was assured from the start. It could not have been doubtful, since his rival was again the champion of free silver and other heresies.

McKinley's second term began under most auspicious skies. He had endeared himself to all who knew him. I am inclined to agree with Senator John M. Thurston, who wrote: "McKinley is the best loved President since Lincoln."

Assassination of McKinley

Little did any of us dream that he would suffer the tragic fate of the Great Emancipator.

As a young man I was shocked at the news of the assassination of President Lincoln. As a politician and mature man, I was horrified by the murder of Garfield. I was completely dazed and appalled when, on September 6, 1901, a newspaper man informed me, while I was at dinner, that President McKinley had been shot. At first I could not credit it; I could not conceive how a man who had perhaps fewer enemies than any President we ever had could have been singled out for punishment. I recall, however, that when the astounding, distressing, sickening message came from Buffalo, describing how anarchist Czolgoscz had put a pistol to the President's breast, I exclaimed:

"Had I been there, I should have forgotten there is a law against lynching! I really could not have controlled myself. Had there been a rope handy, I should have helped to hang the brute to the nearest lamp-post."

No Temporizing with Assassins

I said at the time, and I reassert it, that I do not believe in temporizing with assassins of public men. The speediest punishment should follow such crimes. The quicker the drumhead court martial is summoned, and the wretch punished to the fullest extent of the law, the better for the country and for society.

When, later in the day, advices indicated that the President had partially recovered from the shock, and Dr. Rixey wired that he would live, I could not repress a "Thank God!" and added: "Hereafter I am a belligerent McKinleyite."

How prayerfully and tearfully we watched the bulletins that told the latest phases of the great patient's suffering! Millions of children in the nation's schools lifted their hands to heaven and implored God to save the President to them. We hoped those prayers would be answered. But a little more than a week after his prostration, President McKinley, a smile on his lips and whispering, "Thy will be done," passed to the above.

The entire nation was in mourning. As if to add to the tragedy of the event, Roosevelt, who had been summoned to Buffalo immediately to take the oath of office as President, was reported lost in the Adirondacks. With his proverbial luck, however, he soon emerged, and, after a thrilling carriage ride of thirty miles, caught a special train, that whisked him to the bier of his predecessor.

Roosevelt as President

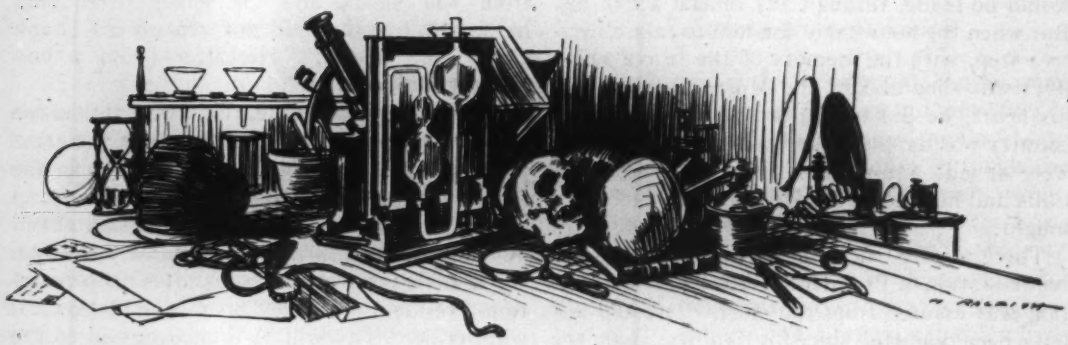
That the new President fully appreciated the deplorable circumstances under which he was elevated to the chieftainship of the nation was manifested by him soon after he qualified. Then he issued this proclamation:

"In this hour of deep and national bereavement, I wish to state that it shall be my aim to continue absolutely and without variance the policy of President McKinley, for the peace, prosperity, and honor of our beloved country."

These lines did much to restore the confidence of the business community and allay the misapprehension in some quarters that a revolution in McKinley's conduct of the government was threatened.

Though inclined to be spectacular, and the direct antithesis of McKinley in his methods of dealing with public problems, I desire to testify that Roosevelt kept the faith he pledged at Buffalo on September 14, 1901. He sincerely sought to follow in the footsteps of McKinley, and proved himself one of our greatest Presidents. I may be pardoned if I remind my readers that, but for my insistence upon his nomination for the Vice-Presidency, Roosevelt certainly would not have succeeded McKinley in 1901, and perhaps he never would have been President of the United States.

[IN THE NEXT INSTALMENT OF HIS AUTOBIOGRAPHY SENATOR PLATT TELLS THE STORY OF THE FAMOUS GARFIELD-CONKLING FEUD]



THE BLUE SEQUIN

BY

R. AUSTIN FREEMAN

AUTHOR OF "THE ANTHROPOLOGIST AT LARGE"

ILLUSTRATIONS BY HENRY RALEIGH

THORNDYKE stood looking up and down the platform with anxiety that increased as the time drew near for the departure of the train.

"This is very unfortunate," he said, stepping into an empty compartment as the guard executed a flourish with his green flag. "I am afraid we have missed our friend."

He closed the door, and, as the train began to move, thrust his head out of the window.

"Now, I wonder if that will be he," he continued. "If so, he has caught the train by the skin of his teeth, and is now in one of the rear compartments."

The subject of Thorndyke's speculations was Mr. Edward Stopford, of the firm of Stopford and Myers, of Portugal Street, solicitors, and his connection with us at present arose out of a telegram that had reached our chambers on the preceding evening. It was reply-paid, and ran:

> Can you come here to-morrow to direct defense? Important case. All costs undertaken by us.
>
> STOPFORD AND MYERS.

Thorndyke's reply had been in the affirmative, and early on this present morning another telegram had been delivered:

> Shall leave for Woldhurst by 8.25 from Charing Cross. Will call for you if possible.
>
> EDWARD STOPFORD.

He had not called, however, and, since he was unknown personally to either of us, we could not judge whether or not he had been among the passengers on the platform.

"It is most unfortunate," Thorndyke repeated, "for it deprives us of that preliminary consideration of the case which is so invaluable."

Having made a fruitless inspection of the platform at London Bridge, he took up the paper that he had bought at the bookstall, and began to turn over the leaves, running his eye quickly down the columns, unmindful of the journalistic baits in paragraph or article.

"It is a great disadvantage," he observed, "to come plump into an inquiry without preparation — to be confronted with the details before one has a chance of considering the case in general terms. For instance ——"

He paused, leaving the sentence unfinished; and as I looked up inquiringly, I saw that he was now reading attentively.

"This looks like our case, Jervis," he said presently, handing me the paper and indicating a paragraph at the top of the page. It was

quite brief, and was headed "Terrible Murder in Kent," the account being as follows:

A shocking crime was discovered yesterday morning at the little town of Woldhurst, which lies on the branch line from Halbury Junction. The discovery was made by a porter who was inspecting the carriages of the train which had just come in. On opening the door of a first-class compartment, he was horrified to find the body of a fashionably dressed woman stretched upon the floor. Medical aid was immediately summoned, and on the arrival of the divisional surgeon, Dr. Morton, it was ascertained that the woman had not been dead more than a few minutes.

The state of the corpse leaves no doubt that a murder of a most brutal kind has been perpetrated, the cause of death being a penetrating wound in the head, inflicted with some pointed implement, which must have been used with terrible violence, since it perforated the skull and entered the brain. That robbery was not the motive of the crime is made clear by the fact that an expensively fitted dressing-bag was found on the rack, and that the dead woman's jewelry, including several valuable diamond rings, was untouched. It is rumored that an arrest has been made by the local police.

"A gruesome affair," I remarked, as I handed back the paper, "but the report does not give us much information."

"It does not," Thorndyke agreed, "and yet it gives us something to consider. Here is a perforating wound of the skull, inflicted with some pointed implement — that is, assuming that it is not a bullet wound. Now, what kind of implement would be capable of inflicting such an injury? how would such an implement be used in the confined space of a railway-carriage? and what sort of person would be in possession of such an implement? These are preliminary questions that are worth considering, and I commend them to you, together with the further problem of the possible motive — excluding robbery and any circumstances other than murder that might account for the injury."

"The choice of suitable implements is not very great," I observed.

"It is very limited, and most of them, such as a plasterer's pick or a geological hammer, are associated with certain definite occupations. You have a note-book?"

I had, and, accepting the hint, I produced it and pursued my further reflections in silence, while my companion, with his note-book on his knee, gazed steadily out of the window. And thus he remained, wrapped in thought, jotting down an entry now and again in his book, until the train slowed down at Halbury Junction, where we had to change to a branch line.

As we stepped out, I noticed a well-dressed man hurrying up the platform from the rear, eagerly scanning the faces of the few passengers who had alighted. Soon he espied us, and, approaching quickly, asked, as he looked from one of us to the other:

"Dr. Thorndyke?"

"Yes," replied my colleague, adding: "And you, I presume, are Mr. Edward Stopford?"

The solicitor bowed. "This is a dreadful

"HE WAS HORRIFIED TO FIND THE BODY OF A WOMAN STRETCHED UPON THE FLOOR"

affair," he said in an agitated manner. "I see you have the paper. A most shocking affair. I am immensely relieved to find you here. Nearly missed the train, and feared I should miss you."

"There appears to have been an arrest," Thorndyke began.

"Yes — my brother. Terrible business! Let us walk up the platform; our train won't start for a quarter of an hour yet."

We deposited our joint Gladstone and Thorndyke's traveling-case in an empty first-class compartment, and then, with the solicitor between us, strolled toward the unfrequented end of the platform.

"My brother's position," said Mr. Stopford, "fills me with dismay. But let me give you the facts in order, and you shall judge for yourself. This poor creature who has been murdered so brutally was a Miss Edith Grant. She was formerly an artists' model, and as such was a good deal employed by my brother, who is a painter — Harold Stopford, you know, A. R. A. now ——"

"I know his work very well, and charming work it is."

"I think so, too. Well, in those days he was quite a youngster — about twenty — and he became very intimate with Miss Grant, in quite an innocent way, though not very discreet; but she was a nice, respectable girl, as most English models are, and no one thought any harm. However, a good many letters passed between them, and some little presents, among which was a beaded chain carrying a locket, and in this he was fool enough to put his portrait and the inscription, 'Edith, from Harold.'

"Later on, Miss Grant, who had a rather good voice, went on the stage, in the comic opera line, and, in consequence, her habits and associates changed somewhat; and as Harold had meanwhile become engaged, he was naturally anxious to get his letters back, and especially to exchange the locket for some less compromising gift. The letters she eventually sent him, but refused absolutely to part with the locket.

"Now, for the last month Harold has been staying at Halbury, making sketching excursions into the surrounding country; and yesterday morning he took the train to Shinglehurst, the third station from here, and the one before Woldhurst.

"On the platform there he met Miss Grant, who had come down from London and was going on to Worthing. They entered the branch train together, having a first-class compartment to themselves. It seems she was wearing his locket at the time, and he made another appeal to her to make an exchange, which she refused, as before. The discussion appears to have become rather heated and angry on both sides, for the guard and a porter at Munsden both noticed that they seemed to be quarreling; but the upshot of the affair was that the lady snapped the chain, and tossed it, together with the locket, to my brother, and they parted quite amiably at Shinglehurst, where Harold got out. He was then carrying his full sketching-kit, including a large holland umbrella, the lower joint of which is an ash staff fitted with a powerful steel spike for driving into the ground.

"It was about half-past ten when he got out at Shinglehurst. By eleven he had reached his pitch and got to work, and he painted steadily for three hours. Then he packed up his traps, and was just starting on his way back to the station, when he was met by the police and arrested.

"And now, observe the accumulation of circumstantial evidence against him. He was the last person seen in the company of the murdered woman — for no one seems to have seen her after they left Munsden; he appeared to be quarreling with her when she was last seen alive; he had reason for possibly wishing her death; he was provided with an implement, a spiked staff, capable of inflicting the injury that caused her death; and, when he was searched, there was found in his possession the locket and broken chain, apparently removed from her person with violence.

"Against all this is, of course, his known character — he is the gentlest and most amiable of men — and his subsequent conduct — imbecile to the last degree if he had been guilty; but, as a lawyer, I can't help seeing that appearances are almost hopelessly against him."

"We won't say 'hopelessly,'" replied Thorndyke, as we took our places in the carriage, "though I expect the police are pretty cocksure. When does the inquest open?"

"To-day at four. I have obtained an order from the coroner for you to examine the body and to be present at the post-mortem."

"Do you happen to know the exact position of the wound?"

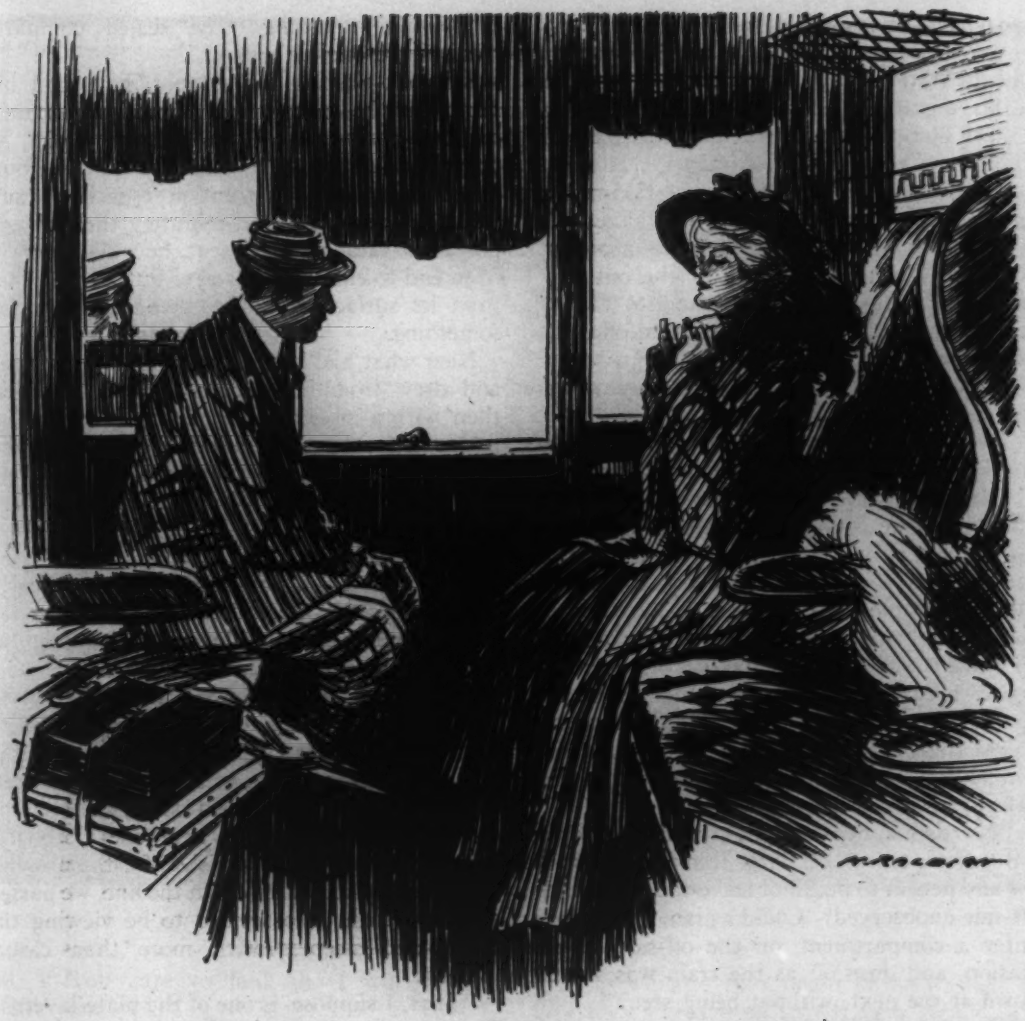
"Yes, it is a little above and behind the left ear — a horrible round hole, with a ragged cut or tear running from it to the side of the forehead."

"And how was the body lying?"

"Right along the floor, with the feet close to the off-side door."

"Was the wound on the head the only one?"

"No; there was a long cut or bruise on the right cheek — a contused wound, the police surgeon called it, which he believes to have been inflicted with a heavy and rather blunt weapon.



"'THE LADY SNAPPED THE CHAIN AND TOSSED IT TO MY BROTHER'"

I have not heard of any other wounds or bruises."

"Did any one enter the train yesterday at Shinglehurst?" Thorndyke asked.

"No one entered the train after it left Halbury."

Thorndyke considered these statements in silence, and presently fell into a brown study, from which he roused only as the train moved out of Shinglehurst station.

"It would be about here that the murder was committed," said Mr. Stopford; "at least, between here and Woldhurst."

Thorndyke nodded rather abstractedly, being engaged at the moment in observing with great attention the objects that were visible from the windows.

"I notice," he remarked presently, "a number of chips scattered about between the rails, and some of the chair-wedges look new. Have there been any plate-layers at work lately?"

"Yes," answered Stopford; "they are on the line now, I believe — at least, I saw a gang working near Woldhurst yesterday, and they are said to have set a rick on fire; I saw it smoking when I came down."

"Indeed; and this middle line of rails is, I suppose, a sort of siding?"

"Yes; they shunt the goods trains and empty trucks on to it. There are the remains of the rick — still smoldering, you see."

Thorndyke gazed absently at the blackened heap until an empty cattle-truck on the middle track hid it from view. This was succeeded by a line of goods-wagons, and these by a passenger-coach, one compartment of which — a first-class — was closed up and sealed. The train now began to slow down rather suddenly, and a couple of minutes later we brought up in Woldhurst station.

It was evident that rumors of Thorndyke's advent had preceded us, for the entire staff —

two porters, an inspector, and the station-master — were waiting expectantly on the platform, and the station-master came forward, regardless of his dignity, to help us with our baggage.

"Do you think I could see the carriage?" Thorndyke asked the solicitor.

"Not the inside, sir," said the station-master, on being appealed to. "The police have sealed it up. You would have to ask the inspector."

"Well, I can have a look at the outside, I suppose?" said Thorndyke. And to this the station-master readily assented, and offered to accompany us.

"What other first-class passengers were there?" Thorndyke asked.

"None, sir. There was only one first-class coach, and the deceased was the only person in it. It has given us all a dreadful turn, this affair has," he continued, as we set off up the line. "I was on the platform when the train came in. We were watching a rick that was burning, up the line,—and a rare blaze it made, too,— and I was just saying that we should have to move the cattle-truck that was on the middle track, because, you see, sir, the smoke and sparks were blowing across, and I thought it would frighten the poor beasts. And Mr. Felton he don't like his beasts handled roughly; he says it spoils the meat."

"No doubt he is right," said Thorndyke. "But now, tell me, do you think it is possible for any person to board or leave the train on the off-side unobserved? Could a man, for instance, enter a compartment on the off-side at one station, and drop off as the train was slowing down at the next, without being seen?"

"I doubt it," replied the station-master. "Still, I wouldn't say it is impossible."

"Thank you. Oh, and there's another question. You have a gang of men at work on the line, I see. Now, do these men belong to the district?"

"No, sir; they are strangers, every one, and pretty rough diamonds some of 'em are. But I shouldn't say there was any real harm in 'em. If you was suspecting any of 'em of being mixed up in this ——"

"I am not," interrupted Thorndyke, rather shortly. "I suspect nobody; but I wish to get all the facts of the case at the outset."

"Naturally, sir," replied the abashed official; and we pursued our way in silence.

"Do you remember, by the way," said Thorndyke, as we approached the empty coach, "whether the off-side door of the compartment was closed and locked when the body was discovered?"

"It was closed, sir, but not locked. Why, sir, did you think——?"

"Nothing, nothing. The sealed compartment is the one, of course?"

Without waiting for a reply, he began his survey of the coach, while I gently restrained our two companions from shadowing him, as they were disposed to do. The off-side footboard occupied his attention especially, and when he had scrutinized minutely the part opposite the fatal compartment, he walked slowly from end to end, with his eyes but a few inches from its surface, as if he were searching for something.

Near what had been the rear end, he stopped and drew from his pocket a piece of paper; then with a moistened finger-tip he picked up from the footboard some evidently minute object, which he carefully transferred to the paper, folding the latter and placing it in his pocket-book.

He next mounted the footboard, and, having peered in through the window of the sealed compartment, produced from his pocket a small insufflator, or powder-blower, with which he blew a stream of impalpable smokelike powder on to the edges of the middle window, bestowing the closest attention on the irregular dusty patches in which it settled, and even measuring one on the jamb of the window with a pocket-rule. At length he stepped down, and, having carefully looked over the near-side footboard, announced that he had finished for the present.

As we were returning down the line, we passed a workingman, who seemed to be viewing the chairs and sleepers with more than casual interest.

"That, I suppose, is one of the plate-layers?" Thorndyke suggested to the station-master.

"Yes, the foreman of the gang," was the reply.

"I'll just step back and have a word with him, if you will walk on slowly." And my colleague turned back briskly and overtook the man, with whom he remained in conversation for some minutes.

"I think I see the police inspector on the platform," remarked Thorndyke, as we approached the station.

"Yes, there he is," said our guide. "Come down to see what you are after, sir, I expect." Which was doubtless the case, although the officer professed to be there by the merest chance.

"You would like to see the weapon, sir, I suppose?" remarked he, when he had introduced himself.

"The umbrella-spike," Thorndyke corrected. "Yes, if I may. We are going to the mortuary now."

"Then you'll pass the station on the way;

"'IT IS REALLY A MARVELOUS ACHIEVEMENT'"

so, if you care to look in, I will walk up with you."

This proposition being agreed to, we all proceeded to the police-station, including the station-master, who was on the very tiptoe of curiosity.

"There you are, sir," said the inspector, unlocking his office and ushering us in. "Don't say we haven't given every facility to the defense. There are all the effects of the accused, including the very weapon the deed was done with."

"Come, come," protested Thorndyke, "we mustn't be premature."

He took the stout ash staff from the officer, and, having examined the formidable spike through a lens, drew from his pocket a steel calliper-gage, with which he carefully measured the diameter of the spike, and the staff to which it was fixed.

"And now," he said, when he had made a note of the measurements in his book, "we will look at the color-box and the sketch. Ha! A very orderly man, your brother, Mr. Stopford. Tubes all in their places, palette-knives wiped clean, palette cleaned off and rubbed bright, brushes wiped,—they ought to be washed before they stiffen,—all this is very significant."

He unstrapped the sketch from the blank canvas to which it was pinned, and, standing it on a chair in a good light, stepped back to look at it.

"And you tell me that that is only three hours' work?" he exclaimed, looking at the lawyer. "It is really a marvelous achievement."

"My brother is a very rapid worker," replied Stopford dejectedly.

"Yes; but this is not only amazingly rapid, it is in his very happiest vein — full of spirit and feeling. But we mustn't stay to look at it longer."

He replaced the canvas on its pins, and, having glanced at the locket and some other articles that lay in a drawer, thanked the inspector for his courtesy, and withdrew.

"That sketch and the color-box appear very suggestive to me," he remarked as we walked up the street.

"To me also," said Stopford gloomily, "for they are under lock and key, like their owner, poor old fellow."

He sighed heavily, and we walked on in silence.

The mortuary-keeper had evidently heard of our arrival, for he was waiting at the door, with the key in his hand, and, on being shown the coroner's order, unlocked the door, and we entered together; but, after a momentary glance at the ghostly, shrouded figure lying upon the slate table, Stopford turned pale and, saying that he would wait for us outside with the mortuary-keeper, retreated.

As soon as the door was closed and locked on the inside, Thorndyke glanced curiously around the bare, whitewashed building. A stream of sunlight poured in through the skylight and fell upon the silent form that lay so still under its covering-sheet, and one stray beam glanced into a corner by the door, where, on a row of pegs and a deal table, the dead woman's clothing was displayed.

"There is something unspeakably sad in these poor relics, Jervis," said Thorndyke, as we stood before them. "To me they are more tragic, more full of pathetic suggestion, than the corpse itself. See the smart, jaunty hat, and the costly skirts hanging there, so desolate and forlorn; the dainty lingerie on the table, neatly folded — by the mortuary-man's wife, I hope; the little French shoes and openwork silk stockings. How pathetically eloquent they are of harmless, womanly vanity, and the gay, careless life, snapped short in the twinkling of an eye! But we must not give way to sentiment. There is another life threatened, and it is in our keeping."

He lifted the hat from its peg, and turned it over in his hand. It was, I think, what is called a "picture-hat" — a huge, flat, shapeless mass of gauze and ribbon and feather, spangled over freely with dark-blue sequins. In one part of the brim was a ragged hole, and from this the glittering sequins dropped off in little showers when the hat was moved.

"This will have been worn tilted over on the left side," said Thorndyke, "judging by the general shape and the position of the hole."

"Yes," I agreed. "Like that of the Duchess of Devonshire in Gainsborough's portrait."

"Exactly."

He shook a few of the sequins into the palm of his hand, and, replacing the hat on its peg, dropped the little disks into an envelop, on which he wrote, "From the hat," and slipped it into his pocket. Then, stepping over to the table, he drew back the sheet reverently and even tenderly from the dead woman's face, and looked down at it with grave pity.

It was a comely face, white as marble, serene and peaceful in expression, with half-closed eyes, and framed with a mass of brassy yellow hair; but its beauty was marred by a long linear wound, half cut, half bruise, running down the right cheek from the eye to the chin.

"A handsome girl," Thorndyke commented — "a dark-haired blonde. What a sin to have disfigured herself so with that horrible peroxid." He smoothed the hair back from her forehead, and added: "She seems to have applied the stuff last about ten days ago; there is about a quarter of an inch of dark hair at the roots. What do you make of that wound on the cheek?"

"It looks as if she had struck some sharp angle in falling — though, as the seats are padded in the first-class carriages, I don't see what she could have struck."

"No. And now let us look at the other wound. Will you note down the description?"

He handed me his note-book, and I wrote down as he dictated:

"'A clean-punched circular hole in skull, an inch behind and above margin of left ear — diameter, an inch and seven sixteenths; starred fracture of parietal bone; membranes perforated and brain entered deeply; ragged scalp-wound, extending forward to margin of left orbit; fragments of gauze and sequins in edges of wound.' That will do for the present. Dr. Morton will give us further details if we want them."

He pocketed his callipers and rule, drew from the bruised scalp one or two loose hairs, which he placed in the envelop with the sequins, and, having looked over the body for other wounds or bruises (of which there were none), replaced the sheet and prepared to depart.

As we walked away from the mortuary, Thorndyke was silent and deeply thoughtful, and I gathered that he was piecing together the facts that he had acquired. At length Mr. Stopford, who had several times looked at him curiously, said:

"The post-mortem will take place at three, and it is now only half-past eleven. What would you like to do next?"

Thorndyke, who, in spite of his mental preoccupation, had been looking about him in his usual keen, attentive way, halted suddenly.

"Your reference to the post-mortem," said he, "reminds me that I forgot to put the ox-gall into my case."

"Ox-gall!" I exclaimed, endeavoring vainly to connect this substance with the technique of the pathologist. "What were you going to do with ——"

But here I broke off, remembering my friend's dislike of any discussion of his methods before strangers.

"I suppose," he continued, "there would hardly be an artists' colorman in a place of this size?"

"'THERE IS SOMETHING UNSPEAKABLY SAD IN THESE POOR RELICS, JERVIS'"

"I should think not," said Stopford. "But couldn't you get the stuff from a butcher? There's a shop just across the road."

"So there is," agreed Thorndyke, who had already observed the shop. "The gall ought, of course, to be prepared, but we can filter it ourselves — that is, if the butcher has any. We will try him, at any rate."

He crossed the road toward the shop, over which the name "Felton" appeared in gilt lettering, and, addressing himself to the proprietor, who stood at the door, introduced himself and explained his wants.

"Ox-gall?" said the butcher. "No, sir, I haven't any just now; but I am having a beast killed this afternoon, and I can let you have some then. In fact," he added, after a pause, "as the matter is of importance, I can have one killed at once if you wish it."

"That is very kind of you," said Thorndyke, "and it would greatly oblige me. Is the beast perfectly healthy?"

"They're in splendid condition, sir. I picked them out of the herd myself. But you shall see them — ay, and choose the one that you'd like killed."

"You are really very good," said Thorndyke warmly. "I will just run into the chemist's next door and get a suitable bottle, and then I will avail myself of your exceedingly kind offer."

He hurried into the chemist's shop, from which he presently emerged, carrying a white paper parcel; and we then followed the butcher down a narrow lane alongside his shop. It led to an inclosure containing a small pen, in which were confined three handsome steers, whose glossy black coats contrasted in very striking manner with their long, grayish-white, nearly straight horns.

"These are certainly very fine beasts, Mr. Felton," said Thorndyke, as we drew up beside the pen, "and in excellent condition, too."

He leaned over the pen and examined the beasts critically, especially as to their eyes and horns; then, approaching the nearest one, he raised his stick and bestowed a smart tap on the under side of the right horn, following it by a similar tap on the left one, a proceeding that the beast received in stolid surprise.

"The state of the horns," explained Thorndyke, as he moved on to the next steer, "enables one to judge, to some extent, of the beast's health."

"Lord bless you, sir," laughed Mr. Felton, "they haven't got no feeling in their horns, else what good 'ud their horns be to 'em?"

Apparently he was right, for the second steer was as indifferent to a sounding rap on either horn as the first. Nevertheless, when Thorndyke approached the third steer, I unconsciously drew nearer to watch; and I noticed that as the stick struck the horn the beast drew back in evident alarm, and that when the blow was repeated it became manifestly uneasy.

"He don't seem to like that," said the butcher. "Seems as if—— Hullo, that's queer!"

Thorndyke had just brought his stick up against the left horn, and immediately the beast had winced and started back, shaking his head and moaning. There was not, however, room for him to back out of reach, and Thorndyke, by leaning into the pen, was able to inspect the sensitive horn, which he did with the closest attention, while the butcher looked on with obvious perturbation.

"You don't think there's anything wrong with this beast, sir, I hope?" said he.

"I can't say without a further examination," replied Thorndyke. "It may be only the horn that is affected. If you will have it sawed off close to the head, and sent up to me at the hotel, I will look at it and tell you. And, by way of preventing any mistakes, I will mark it and cover it up, to protect it from injury in the slaughter-house."

He opened his parcel and produced from it a wide-mouthed bottle labeled "Ox-gall," a sheet of gutta-percha tissue, a roller bandage, and a stick of sealing-wax. Handing the bot le to Mr. Felton, he incased the distal half of the horn in a covering by means of the tissue and the bandage, which he fixed securely with the sealing-wax.

"I'll saw the horn off and bring it up to the hotel myself, with the ox-gall," said Mr. Felton. "You shall have them in half an hour."

He was as good as his word, for in half an hour Thorndyke was seated at a small table by the window of our private sitting-room in the Black Bull Hotel. The table was covered with newspaper, and on it lay the long gray horn and Thorndyke's traveling-case, now open and displaying a small microscope and its accessories.

The butcher was seated solidly in an arm-chair, waiting, with a half-suspicious eye on Thorndyke, for the report; and I was endeavoring by cheerful talk to keep Mr. Stopford from sinking into utter despondency, though I, too, kept a furtive watch on my colleague's rather mysterious proceedings.

I saw him unwind the bandage and apply the horn to his ear, bending it slightly to and fro. I watched him as he scanned the surface closely through a lens, and observed him as he scraped some substance from the pointed end on to a glass slide, and, having applied a drop of some reagent, began to tease out the scraping with a pair of mounted needles. Presently he placed the slide under the microscope, and, having observed it attentively for a minute or two, turned round sharply.

"Come and look at this, Jervis," said he.

I wanted no second bidding, being on tenter-hooks of curiosity, but came over and applied my eye to the instrument.

"Well, what is it?" he asked.

"A multipolar nerve corpuscle — very shriveled, but unmistakable."

"And this?"

He moved the slide to a fresh spot.

"Two pyramidal nerve corpuscles and some portions of fibers."

"And what do you say the tissue is?"

"Cortical brain substance, I should say, without a doubt."

"I entirely agree with you. And that being so," he added, turning to Mr. Stopford, "we may say that the case for the defense is practically complete."

"What, in Heaven's name, do you mean?" exclaimed Stopford, starting up.

"I mean that we can now prove when and where and how Miss Grant met her death. Come and sit down here, and I will explain. No, you needn't go away, Mr. Felton. We shall have to subpoena you. Perhaps," he continued, "we had better go over the facts and see what they suggest. And first we note the position of the body, lying with the feet close to the off-side door, showing that, when she fell, the deceased was sitting, or more probably standing, close to that door. Next there is this." He drew from his pocket a folded paper, which he opened, displaying a tiny blue disk. "It is one of the sequins with which her hat was trimmed, and I have in this envelop several more which I took from the hat itself.

"This single sequin I picked up from the rear end of the off-side footboard, and its presence there makes it nearly certain that at some time Miss Grant had put her head out of the window on that side.

"The next item of evidence I obtained by dusting the margins of the off-side window with a light powder, which made visible a greasy impression three and a quarter inches long on the sharp corner of the right-hand jamb (right-hand from the inside, I mean).

"And now, as to the evidence furnished by the body. The wound in the skull is behind and above the left ear, is roughly circular, and measures one inch and seven sixteenths at most, and a ragged scalp-wound runs from it toward the left eye. On the right cheek is a linear contused wound three and a quarter inches long. There are no other injuries.

"Our next facts are furnished by this."

He took up the horn and tapped it with his finger, while the solicitor and Mr. Felton stared at him in speechless wonder.

"You notice it is a left horn, and you remember that it was highly sensitive. If you put your ear to it while I strain it, you will hear the grating of a fracture in the bony core. Now look at the pointed end, and you will see several deep scratches running lengthwise, and where those scratches end the diameter of the horn is, as you see by this calliper-gage, one inch and seven sixteenths. Covering the scratches is a dry blood-stain, and at the extreme tip is a small mass of a dried substance which Dr. Jervis and I have examined with the microscope and are satisfied is brain tissue."

"Good God!" exclaimed Stopford eagerly. "Do you mean to say ——"

"Let us finish with the facts, Mr. Stopford," Thorndyke interrupted. "Now, if you look closely at that blood-stain, you will see a short piece of hair stuck to the horn, and through this lens you can make out the root-bulb. It is a golden hair, you notice, but near the root it is black, and our calliper-gage shows us that the black portion is fourteen sixty-fourths of an inch long. Now, in this envelop are some hairs that I removed from the dead woman's head. They also are golden hairs, black at the roots, and when I measure the black portion I find it to be fourteen sixty-fourths of an inch long. Then, finally, there is this."

He turned the horn over, and pointed to a small patch of dried blood. Embedded in it was a blue sequin.

Mr. Stopford and the butcher both gazed at the horn in silent amazement; then the former drew a deep breath and looked up at Thorndyke.

"No doubt," said he, "you can explain this mystery; but, for my part, I am utterly bewildered, though you are filling me with hope."

"And yet the matter is quite simple," returned Thorndyke, "even with these few facts before us, which are only a selection from the body of evidence in our possession. But I will state my theory, and you shall judge."

He rapidly sketched a rough plan on a sheet of paper, and continued:

"These were the conditions when the train was approaching Woldhurst: Here was the passenger-coach, here was the burning rick, and here was a cattle-truck. This steer was in that truck.

"Now, my hypothesis is that at that time Miss Grant was standing with her head out of the off-side window, watching the burning rick. Her wide hat, worn on the left side, hid from view the cattle-truck which she was appoaching, and then this is what happened."

He sketched another plan on a larger scale.

"One of the steers — this one — had thrust its long horn out through the bars. The point of that horn struck the deceased's head, driving her face violently against the corner of the window, and then, in disengaging, plowed its way through the scalp, and suffered a fracture of its core from the violence of the wrench. This hypothesis is inherently probable, it fits all the facts, and those facts admit of no other explanation."

The solicitor sat for a moment as if dazed; then he rose impulsively and seized Thorndyke's hands.

"I don't know what to say to you," he exclaimed huskily, "except that you have saved my brother's life, and for that may God reward you!"

The butcher rose from his chair with a slow grin.

"It seems to me," said he, "as if that ox-gall was what you might call a blind, eh, sir?"

And Thorndyke smiled an inscrutable smile.

When we returned to town on the following day we were a party of four, which included Mr. Harold Stopford. The verdict of "Death by misadventure," promptly returned by the coroner's jury, had been shortly followed by his release from custody, and he now sat with his brother and me, listening with rapt attention to Thorndyke's analysis of the case.

"So, you see," the latter concluded, "I had six possible theories of the cause of death worked out before I reached Halbury, and it only remained to select the one that fitted the facts. And when I had seen the cattle-truck, had picked up that sequin, had heard the description of the steers, and had seen the hat and the wounds, there was nothing left to do but to fill in the details."

"And you never doubted my innocence?" asked Harold Stopford.

Thorndyke smiled at his quondam client.

"Not after I had seen your color-box and your sketch," said he, "to say nothing of the spike."

A MEMORY

BY

KATHARINE TYNAN

THIS is just the weather, a wet May and blowing,
All the shining, shimmering leaves tossing low and high,
When my father used to say: "'Twill be the great mowing!
God's weather's good weather, be it wet or dry."

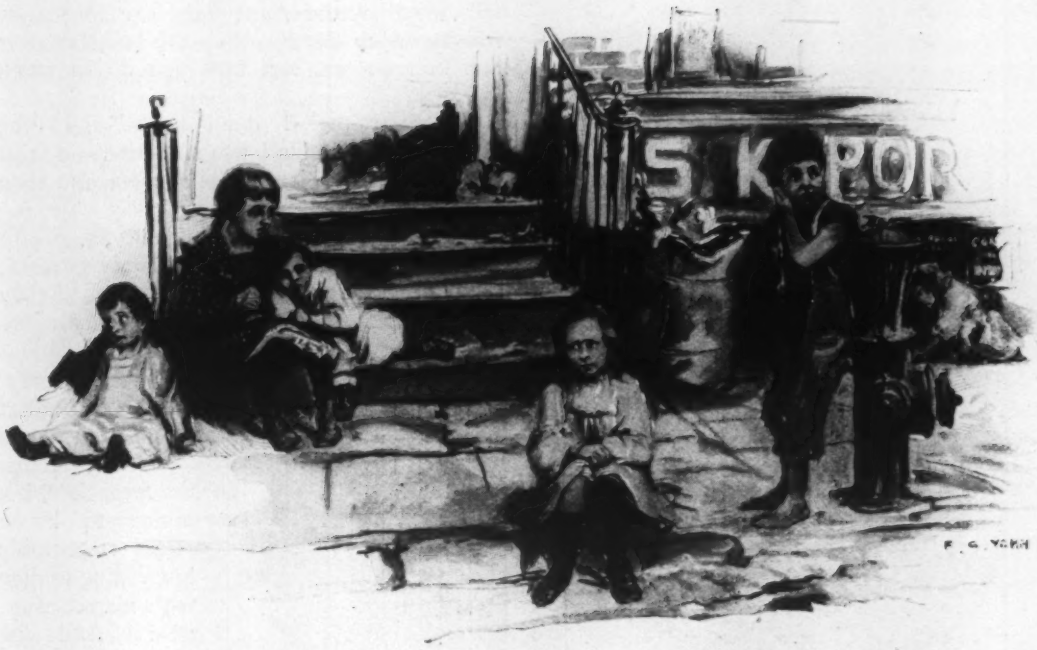
Blue were his eyes and his cheeks were so ruddy,
He was out in all weathers, up and down the farm;
With the pleasant smile and the word for a wet body:
"Sure, the weather's God's weather — who can take the harm?"

With a happy word he'd silence all repining
While the hay lay wet in field and the cattle died,
When the rain rained every day and no sun was shining:
"Ah, well, God is good," he'd say, even while he sighed.

In the parched summer, with the corn not worth saving,
Every field bare as your hand the beasts to feed,
Still he kept his heart up when other folks were raving:
"God will send the fodder; 'tis He that knows the need."

A wet May, a wild May; he used to rise up cheery
In the gray of the morning for market and for fair.
Now he sleeps the whole year long, though days be bright, be dreary,
In God's weather that's good weather he sleeps without a care.

Now 'tis just the weather, a wild May and weeping,—
How the blackbird sang and sang 'mid the tossing leaves,—
When my father used to say: "'Twill be the great reaping;
God send fine weather to carry home the sheaves!"



NEIGHBORS

BY

OCTAVIA ROBERTS

AUTHOR OF "FOR THE SAKE OF HER CHILDREN"

ILLUSTRATIONS BY F. C. YOHN

IT was Sunday, and the Doctor's office hours were over. With a sigh of relief, she closed the door on Mrs. Loscovitz's rheumatic joints, drew her shabby old reclining-chair to the open window of the flat, and sprawled her full length, some five feet ten, in its welcoming embrace.

From over the city's roofs a hot wind rose and fell, ruffling the Doctor's hair about her forehead, swirling rubbish from street to street, and jerking awry the garish finery of the Polish immigrants plodding by on their way to church.

"The neighbors are gay this morning," said the Doctor happily. She leaned from the window to nod repeatedly to upturned faces, never once confusing their consonant-crowded names.

"Mornin', Mrs. Koswoska. Rosa doing better? That's good."

"How's your niece, Sophy Zuwiska? Ain't given her beer again, have you? Nor coffee, either? That's right. Well, keep on with the milk. Going to mass? Bells sound pretty Sundays, don't they, after hearing the factory all week? Getting any more girls in your union? That's good. You've all got lots of sand!"

"Doctor!" a voice rebuked the Doctor's slang, and a small spinster rustled into the room. Her neat black suit, turban, and gloves proclaimed as unmistakably as her manner — gently accusing, mildly uplifted — that she had been to church.

With easy recognition, the Doctor turned. "Been to meeting, Susan?"

SOPHY AND THE BABY IN THE BASEMENT

"Naturally. I wish that you had, Mary. It would improve you to go among your own kind occasionally; your language has become very careless."

The Doctor smoothed her shiny old suit somewhat consciously. "I do pick up the neighbors' lingo, I suppose; but, after all, it's the neighbors I'm talkin' to. And as for 'meetin'," — she hesitated, unwilling to offend another's prejudice,— "do you really get some sustenance out of it? It's not just sounding brass and tinkling cymbals? You know, that's a sound you're on to when you've been down to bed-rock and struck bottom. Remember, when I go, I carry the neighbors' problems right with me."

Miss Susan's forehead creased in a troubled frown. "Mary, if you knew how you distress me! What would Aunt Sara say to you — bringing us up side by side! Do you stay over here because you feel that you do so much good?"

"Dear me, I don't know," said the Doctor. "I kind of stumbled on this work bit by bit, first as a nurse, and then as a physician. No, I can't say I do any good; the forces against me are pretty old — ignorance, sin, and poverty. Seems sometimes, though, as if they were all caused by the same microbe, and when we find out what that is, scientifically, the fight is going to begin." She chuckled suddenly at her own earnestness. "In the meantime, it's something to have such respectable kin willing to dine with me occasionally." And she clapped Susan on her bony little shoulder and led the way to the dining-room.

Susan Small, daintily picking at the fowl that the doctor had taken from the oven, paused uncertainly over her glass of milk.

"Do you know, Mary, where this milk comes from?"

The Doctor pounded the table with her fist. "Don't I! And, what's more, I'm going to know where all the milk comes from that my people get. I've been raising Cain about it all this month. If I've one ambition, it is to run a little milk station for the babies — everything clean and nice, and the cost so low they can all have plenty. You haven't any friends in the respectable quarter of town, have you, Susie, who would enjoy paying the deficit?"

"You might have plenty, if you only would. You're so suspicious and scornful of any one who wears a starched collar or keeps his clothes pressed! There's more than one kind of narrowness, Mary Bridgeman."

The Doctor laughed appreciatively at her own expense.

"There is something kind of riling to me in good clothes and carriage wheels; and as for asking them for money for the people that die in their terrible tenements and factories — I won't do it! They act as if I were passing the

hat for my own benefit, when it's their problem, not *mine*. They aren't my people, except by adoption. I can go back into the country and practise medicine."

Susan Small was silent for a moment before she asked: "Why don't you ask J. K. Richards and Son for money for the milk? Don't they own this large shoe factory? I hear they're very philanthropic."

"Mask as that, do they? What have they been giving away now? Pictures? I thought so. Any of them feature the places their people live in, or the way a girl looks at twenty-five after working eight years in their shop? Don't talk to me about them; you get my fighting blood up."

At this moment the Doctor's spirited words were interrupted by the unmistakable honk of an automobile. A sound so unfamiliar sent them both to the window in time to see a neat electric brougham stop at the door below. From it a young woman emerged, staring upward, at the same time, at the Doctor's name-plate on the window.

THE DOCTOR

"Talk about capitalists!" exclaimed the doctor in bewilderment, as the girl disappeared up the flight of stairs that led to her apartment. In a few seconds the sound of footsteps was followed by a knock, and the Doctor ushered her caller into the tiny office, just out of sight of Susan Small's curious eyes.

Once in the office, the young woman seemed at a loss how to begin. Her eyes roved uneasily over the Doctor's cramped quarters until they rested at last on the Doctor's face, with its merry gray eyes, square jaw, and firm mouth.

"Doctor Bridgeman," she began at last, "I've brought a letter to you from my physician, Dr. Percy Elsworth." She paused for the effect of the name, and the Doctor paid the great nerve specialist the homage of a nod of recognition.

The girl held out a letter, and hurried on: "I'm not really ill, he'll tell you; but I'm not well, either —" Her lips trembled. "I don't care about anything, Doctor."

The Doctor's smile had a hint of dry unconcern. "You're lucky not to have anything to care about."

The girl stared. "I've been ill for a year now, and they've sent me to a rest cure, and they've taken me to Europe — it's all the same. At last I asked Dr. Elsworth to give me something to *do*, and he told me about you — your noble, self-sacrificing life. 'Go to Dr. Bridgeman,' he said; 'tell her I turned you over to her — I give you up.'"

She waited expectantly for the Doctor's appreciative murmur; but the Doctor, her shapely hands clasped mannishly about one

knee, was silent, a dry smile lurking in the corners of her mouth. However, with a gathering frown, she took the proffered letter and ran her eyes over the sheet of embossed paper wherein her great colleague presented her with the charge of Lydia Ainsley's nerves.

"The case has baffled my masculine understanding," he finished. "I have come to the conclusion that it is work, such as you can give her, that she needs."

The Doctor, with little liking for the case, her mind filled with visions of innumerable young girls broken down from the long hours in the factory, thrust the letter back into its envelop, ruffled the hair above her broad brow, and stared somewhat resentfully at Miss Ainsley.

Gathering little encouragement from the Doctor's face, the girl continued with tragic meaning: "Life has nothing to offer me. I have no wish except to do good."

"How old are you?" said the Doctor, putting on her eye-glasses.

"Twenty-one."

"I see," said Dr. Bridgeman, and there was a hint of a twinkle in her gray eyes.

"What do you propose to do?" she asked, after a pause.

"If you will let me, I'd like to live with you. I am willing to nurse the sick —"

"Have you had any training?"

"No; must one be trained to nurse the poor" — her tone grew faint under disillusionment — "and feed the hungry?" she continued, as if reciting a lesson.

The Doctor stared. "Miss Ainsley, I'm a busy woman. My interest is entirely in this locality. I've never been interested in the nervous disorders women of your class suffer from. But I'm in desperate need of money. I want to run a milk station for my sick babies. If you or your friends will finance me through this hot summer, I'll take your case and put your inexperience to work."

There was a long pause, in which the Doctor stared out of the window at the electric brougham, around which the Polish boys swarmed in derision and curiosity.

"I know I'm no good to any one," resumed Lydia, at last; "that's what is *killing* me. If you'll take me, if you'll let me live here for six weeks, I'll try so hard to be useful, and I know I can easily supply the milk."

"Live here!" The Doctor's tone was sharp with alarm. Her liberty, the freedom of the flat, was her one luxury.

"Yes; where else could I go?"

"A settlement, I supposed."

"My parents won't hear of it. They want me with a physician. It was Dr. Elsworth's plan for me to stay here; he assured mother I'd be all right, or she would never have consented."

The Doctor opened her mouth to refuse; but, chancing to glance into the street swarming with sickly children, she hesitated and was lost. After all, it was for her babies! She had given up everything else — her liberty was all that remained.

"Well, Miss Ainsley, it's a go. You won't stand it three days, but if you can assure me the money for my babies' milk, I'll try you."

In an unexpected abandonment, the girl dropped her face in the hollow of her arm and wept. "Don't — give me — time to think—" she gasped.

Not until she had recovered herself, descended the steep bare stairs, and disappeared into the brougham below, did the Doctor return to Susan Small, who bristled with curiosity on the edge of her chair in the adjoining room.

"I've got my milk!" cried the Doctor ecstatically. "It's dropped from the heavens like —"

"Manna," supplied Susan Small.

"Yes, manna," agreed the Doctor. She was silent for a long moment, dashed by the thought of the strange young lady in the narrow bounds of her home.

"Is she very ill?" Susan prompted, her interest in the girl outweighing that in the Doctor's sick babies.

The Doctor frowned. "I don't know; I can't believe so. If she is, it's because she's idle or bored — a regular Elsworth case; I don't see how he stands them. She's tried Europe and the rest cures, and now she chooses to play Lady Bountiful. If she only won't patronize the neighbors, I presume I can stand her; and as for her — well, after six weeks of Lester Street she'll know she hasn't much to complain of! Ever put oil of cloves on a tooth? Made the toothache fade into insignificance, didn't it?"

Before Lydia's arrival, the Doctor, with the check that the girl sent, had the milk station well under way. Here, after some inward debate, she installed Lydia a fortnight later, wondering, as she prepared to leave her among the bottles, how long the occupation would serve for amusement. At the doorway she encountered Sophy Zuwiska, and paused for a word of explanation.

"Sophy's sister is dead, Miss Ainsley, and she is trying to bring up her baby. I promised her you'd show her just how to prepare the milk. The little thing got started wrong, on beer and coffee."

The two young women were silent, staring at each other quite openly.

"I've seen Sophy before somewhere," Lydia said at last. She knitted her brow in an effort to recall the circumstance.

"I seen you, too," said Sophy. "It was when you come through the shoe shop with the boss's son."

A flood of color swept Lydia's pale face. She turned to the Doctor. "Yes, I remember now. Sophy sat at a machine, putting little pegs in holes, and a young man—" She hesitated for the words.

"Fed the machine," said the Doctor.

"Yes." Lydia spoke with increasing difficulty. "We thought they looked very pretty and happy, so I took her place, for fun——"

"And the young boss he took Sokofski's," said Sophy. She smiled broadly. "They spoiled them shoes, all right."

"Are you there yet?" Lydia asked, with a certain wistfulness.

"I'm there, but Sokofski he got fired." Sophy turned to the Doctor. "They fired him last week, Doctor. He's doin' awful — drinkin', and runnin' about with that Rosy Koswoska. You know how a feller gets that ain't no work."

"Why did they let him go?"

"Union man; you know, they keep open shop."

The Doctor nodded, seemingly finding no contradiction of terms.

"You girls will go next, won't you?"

Sophy paled. "It looks like it; our local is so weak, though — only thirty out of so many."

"Will the girls stick?"

The girl hesitated. "I don't know. We're thinkin' of strikin' if they drop another one. Some of the best lady workers has joined us — we've got a good union, all right."

"Why do you strike?" Lydia flashed out. "You couldn't have a better master. Hasn't he tried to make you comfortable? Hasn't he spent a fortune on your buildings? — such nice little dressing-rooms and everything. Why don't you trust yourself to Mr. Richards, not fight him with the union?"

"I trusted him a good while," said Sophy, "and so did my cousin. She worked for twelve hours a day until she died, and that's what I can do. If you stick pegs in holes all day, you got to have some hope. I can't find nothin' but the union to give it to you." She turned on her heel. "I've got to run if I want to give this to the baby; my noon hour is about up."

As she disappeared, Lydia turned to the Doctor with a slight air of defiance.

"Aren't they ignorant — these people! You know, Mr. Richards does everything for their comfort. After all, he can't let them run his business."

The Doctor rubbed her hand uneasily over her forehead, smoothing out a gathering frown.

"Richards' son the fellow that won the big motor race the other day?" Lydia's head was turned away; she nodded silently. "He'll run the business eventually, of course. Fine chance the neighbors'll have under him. He'll drive 'em as he does that car."

She picked up her small medicine-chest and started toward the door. "Be careful about the milk; the stronger the children grow, the more useful they will be to your friends."

Half way down the street, she paused. "Wasn't that a nasty thing to say, now! I ought to have known I wasn't equal to those good clothes and that smug complacency. Wonder what Lester Street will do to her, anyway?"

A week passed, and over the evening meal, each night, the Doctor watched Lydia with open curiosity. Apparently Lester Street did little, as far as Lydia's physical welfare was concerned. A high color burned on her thin cheeks; her eyes were round and dark with unnatural excitement. Her confidences came sparingly. Whatever impression the great drama of life made upon her the Doctor was left to guess. That Lydia doubted her interest she did not know. But one night Lydia burst out suddenly:

"Do you know where Sophy lives?"

The Doctor folded her evening paper and nodded. "You haven't been there?"

"Yes. She lost her job,— she *would* stick to the union,— so she has no money. She came and cried because the baby was dying, and I went home with her." Lydia sat quiet, with lips parted in horror. "She lives in a basement, almost dark — four rooms. A woman takes men to board, three of them. Sophy sleeps wherever she can — sometimes on a cot in the kitchen. She's afraid they'll turn the baby and her out of *that*."

"Where did you suppose she lived?" asked Dr. Bridgeman.

"I never thought."

"You knew she got three dollars a week for sticking those pegs in."

"No, I didn't know. I didn't know anything!"

The Doctor looked at her more kindly. "If you were Sophy, would you risk the fight alone, or stick to the union? You know about how formidable Sophy is by herself — a poor, ignorant, underfed little thing, in a basement, with her sister's kid to bring up."

"But they have such poor leaders, Doctor. So often they're dishonest and give them bad advice."

"Our Mayor ain't so perfect, either," the Doctor defended, "and our Legislature's pretty rotten; yet we don't hear any one regretting we

haven't a Czar. A union is like a republic: it's not perfect, but there's hope in it. You see that? And hope is what keeps us going. Take that away, and we go to smash. Find out each creature's hope, and you've found the lamp of the body. Even Sophy kind of looks forward to something a little different, don't she?"

"Yes; that's what makes her wonderful. She almost starved to death to keep the baby. She wants a little home with that Sokofski — just two rooms in the rear, but upstairs; she wants the baby to grow up in the sun. That isn't much to ask, is it?"

The Doctor's mouth was set; the anguish of deep knowledge shone from her eyes. "The dark killed her sister — she sewed down there — sweated garment-maker. That trade's unorganized. Ever see 'em? Sophy's got an uphill fight to make, ain't she?" Suddenly she showed her beautiful teeth in a smile. "Fighting don't hurt us, though — keeps up the circulation. That's my belief — that's what keeps me goin'. So we're headed towards the light, that's the main thing."

She turned her face toward the window, where the last rays of the setting sun flooded the poor street with glory. For a moment she seemed, to Lydia's vision, caught up into the very heavens — transfigured, beautiful, with a love that embraced a city. But at length the light faded, and under the evening lamp she was once again the kindly, humor-

"HE DRAGGED THE PISTOL FROM HIS BELT AND SHOT OVER THE HEADS OF HIS MEN, AND

ous figure of daily life. Drawing herself to her full height, she towered above little Lydia and yawned broadly.

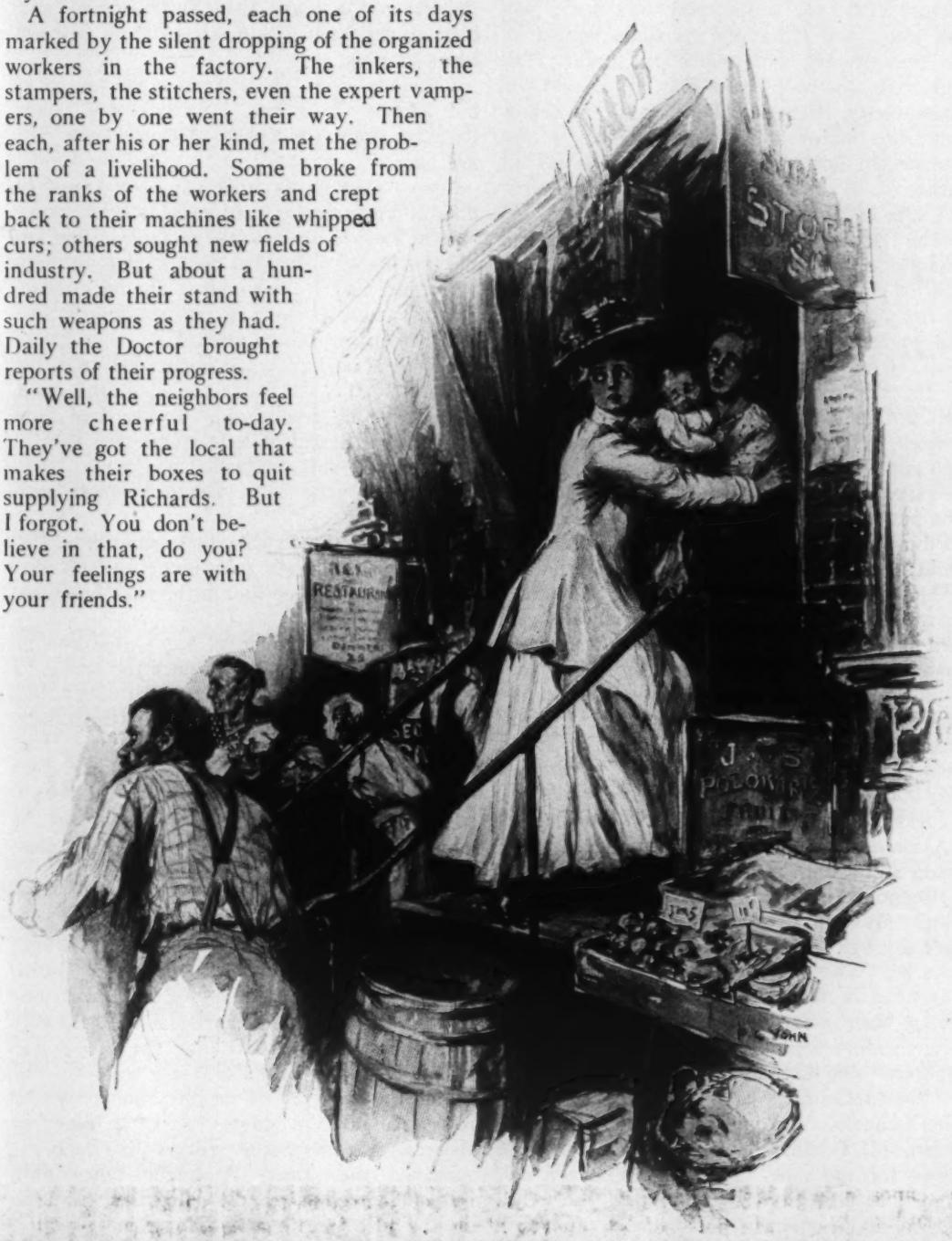
"Well, I've got to run over to the Kerskis'. He's got pinched, and she's got typhoid. Ain't it grand, though, the way we're cornering that disease? That's the way all evil will go at last. Find out what causes it, then *fight*. So long, my dear."

A fortnight passed, each one of its days marked by the silent dropping of the organized workers in the factory. The inkers, the stampers, the stitchers, even the expert vampers, one by one went their way. Then each, after his or her kind, met the problem of a livelihood. Some broke from the ranks of the workers and crept back to their machines like whipped curs; others sought new fields of industry. But about a hundred made their stand with such weapons as they had. Daily the Doctor brought reports of their progress.

"Well, the neighbors feel more cheerful to-day. They've got the local that makes their boxes to quit supplying Richards. But I forgot. You don't believe in that, do you? Your feelings are with your friends."

Lydia hesitated. The abstract problems of capital and labor were not for her understanding, nor even her interest. She spoke faintly:

"I can't understand it, Doctor Bridgeman, but I want Sophy and the baby to live in the sun, and I want her to marry Sokofski. Is this the only way?"



LYDIA, IN SOME BLIND IMPULSE OF PROTECTION, THRUST HERSELF BEFORE SOPHY AND THE CHILD"

The Doctor smiled. "Well, it's the beginning of the way. Do you know Sokofski? He's a powerful fellow, one of those fair, bull-necked Poles, stupid and stubborn. He's going to make trouble, sure. When they threw him out, he got a job as teamster, Local 240. They're ordered out now — can't haul any more shoes. Ain't it awful? It gets worse every day. Richards is trying to run the factory (that old pepper-pod, he's got a will like iron), and is having the shoes hauled by his own drivers, with police protection. The cops make the people just wild. You said you knew young Richards, didn't you, the fellow that runs motor races? Well, he has a new amusement now: he's driving a wagon for his father."

Lydia lifted an ashen face.

The Doctor continued: "Yes, he is; and though, as you know, I don't like his sort, I do like his ginger. He drives without protection; carries a gun in his belt, but no guard. What's the matter, Lydia? Oh, good Lord! Is it *him?* I knew, of course, there was somebody in the background. Don't cry. I dare say he'll not get hurt; he'll be back in his motor in a week. Gracious, aren't girls all alike! I've just got through lending my shoulder to Sophy. She's cryin' about that stubborn Sokofski." She put her large hand on the bowed shoulder. "Promise me you won't leave the house, my child; there's apt to be trouble this afternoon."

"He's so proud," sobbed Lydia. "You don't know him. He doesn't like business very well, and he's been pretty wild. I haven't seen him for a year, but — his heart — is — good. Won't you go to him and ask him to stop the strike? Everything he does makes it worse; that's the way he is — so proud. I'm afraid he'll be killed, and kill poor Sophy's Sokofski. We both — want — them to — live."

"I tried to make peace," said the Doctor. "A committee of us have pleaded to arbitrate, again and again. They won't even talk to us. I telephoned the overseer this morning. Know him? My! but he's a high-handed fellow; he gets my fighting blood up. 'Dr. Bridgeman!' says he. 'Who in the devil are you?' 'I think our fame is about equal, my friend,' says I; 'we're both in the telephone directory.'"

Lydia did not smile. She clasped the Doctor's warm, pulsing hand in her own, thin and white.

"Go to George," she said; "go to young Mr. Richards. I would if I could, but we've quarreled, Doctor; he wouldn't do the least thing for me now. I've wished, every day since I've been here, that he knew you. Tell him all about our neighbors being so poor; he'll see how they feel — poor Sophy and the rest. You think he's cruel, but he's not. Why, once, when my dog broke his leg ——"

Her face quivered at the memory; she closed her stiff, trembling lips and said no more.

"There, there!" said the Doctor softly. She looked at the little bent figure, with a smile at the pretty curls, the white linen, the little pumps below the skirt. Was it this poor child who had once aroused her scorn? After all, she was only a young girl, like those who came daily to the door — as much a victim of ignorance as they.

"Don't go out," she warned again, taking up her shabby little bag. "I dare say young Richards won't be hurt. Does he know you are here?"

"No," said Lydia from her bent arm; "he doesn't know where I am — he doesn't care."

How long Lydia drooped in the window, she did not know. The heat grew in intensity; the wind, laden with the smells of the fruit-stands and the cheap cooking of the restaurants, rose and fell on her bowed head.

Sophy Zuwiska's voice roused her from her lethargy. She had come for milk, the good, pure milk that Lydia sold. In her tired arms she carried the baby, very white, very still.

"He ain't doin' so well," she said. "I've been hopin' the lady Doctor would come round."

Lydia held the clawlike little hand in hers.

"I don't think he's going to get well, Sophy. Do you have to keep him in the dark basement yet?"

"Yes, and it's fierce. I can't give him no care. I'm sewing on pants since the strike. I couldn't get here yesterday. He ain't had nothin' but beer lately." She listened dully to Lydia's remonstrances. "I tell you, Miss Ainsley, I'm kind o' givin' up. Sokofski ain't got no work — he's drinkin' again; the heat is so awful; our girls ain't goin' to win out. I don't seem to have nothin' to keep me goin' no more."

Suddenly the street below broke into an uproar. People were running toward the east, where the factory blocked the street. A shot rang out above the clang of the cars. "Lord! they're shootin'!" said Sophy, and, with one accord, she and Lydia ran from the little milk station in the direction that the crowd had taken. In five minutes they were on the shore of a great sea of people, that beat and roared about the shops. From a flight of steps the two girls, Sophy still clasping the baby, surveyed the street. A wagon laden with boxes trundled by, a colored driver cowering on the great seat between two heavy policemen, while two more rode in the rear. An

angry roar followed both its progress and that of a second wagon. A nervous policeman fired once over the heads of the crowd. A third wagon rolled from under the shed.

"That's the one Sokofski drove," chattered Sophy. She clasped Lydia's arm nervously. "It makes him just crazy!"

Lydia raised a waxen face to where, high on the seat, young Richards sat alone, his finely cut, aristocratic face red with anger. For a blinding instant she was conscious of her pride in his daring, of his masterly handling of the horses. Then big Sokofski pushed through the crowd. With a roar like a bull, he seized the horses' reins, heedless of the cruel cuts of Richards' whip. The two girls on the steps clung to each other and screamed.

"Make him stop, Miss Ainsley. Sokofski will kill him, sure he will!" Sophy cried. Mechanically she hushed the gasping baby.

The noise was so great that they could scarcely hear each other's voices. Some one shouted, "Take off the wheels!" Some one else hurled a brick. It struck Sokofski, still tearing at the horses' heads, and blood streamed from his temple. Another brick, with surer aim, grazed young Richards' head. He dragged the pistol from his belt and shot over the heads of his men, and Lydia, in some sudden blind impulse of protection, thrust herself before Sophy and the child, covering them with her outspread arms.

"God! He's killed a girl," some one shouted, as Lydia fell prone into the street.

She knew dimly that people pushed and swarmed and crowded on every side, that some rough fellows bore her into a drug store near by. She wanted air, and people pushed so she couldn't breathe. They were pouring cold water on her — she must have fainted. Some one was shouting and struggling to get in — it was a policeman. As if by magic, the store was cleared. Mercifully there was air. Some one was binding her forehead. It was Dr. Bridgeman. How quickly her hands moved! How good it was to have her strong, sane presence!

She was talking to the policeman: "Yes, let him in." She turned fiercely to some new presence. "Well, Mr. Richards, it's not your fault if you haven't killed some poor fellow's wife. No, she isn't hurt much; it was the usual case of the innocent bystander. I think you know her — she's from your side of the city."

With a startled cry, the young man knelt on the floor and lifted Lydia in his arms.

"Comes home to you now, does it?" asked the Doctor.

But the young man was deaf to her words. In a passion of remorse, he was whispering to Lydia, kissing her hands, her bandaged forehead, oblivious of the druggist and the policeman, who, being sentimental, were plainly touched.

"You mustn't disturb my bandage," the Doctor cried, a little less fiercely. "Remember, she's still unconscious."

Then, somewhere, through floating, dizzy dreams, Lydia's consciousness returned. Her lips moved feebly; she raised one limp hand from the floor until it rested trustingly in the young man's; then she slipped back into blankness.

Once at the flat, the Doctor tried to banish young Richards; but he stoutly refused to leave, and, through the long watch of the night, he and Dr. Bridgeman argued out the open shop. Lydia, breathing heavily, seemed sunk into a stupor. Toward morning her eyes brightened into consciousness, and she saw her lover's head close to hers.

"Please give in," she whispered. "If you don't, what will become of Sophy Zuwiska?"

"At which," the Doctor explained, in relating Lydia's story afterward, "that young fellow was more moved than by all my arguments. Canary in a cage, that baby, but winning, somehow, I must confess. I'll own I was sorry to see her go."

"And how did the strike end?" Miss Susan Small asked. It was a month later; she had come home from her summer vacation, and again she dined with the Doctor.

"That boy and I got to be good friends," the Doctor smiled. "He's a good sort, all right — full of ginger; but they'd shut him up in a preparatory school, then clapped him into college, where he was warranted to be kept ignorant of everything he ought to have known to run that factory and boss those men."

"Mary!" Miss Susan cried. "Is no respectable institution sacred to you?"

"Not many," the Doctor confessed, hurrying on. "Well, little Miss Lydia was laid up for a month. To tell you the truth, I didn't encourage convalescence. The boy was here repeatedly, and so was the old gentleman. We got to be mighty good friends; they weren't nearly as black as they were painted. One way and another, they got acquainted with their people; they saw how it looked from their standpoint. You know, there is a heap of difference the way it looks when you live in the rear on the west side, and can't see daylight for your children. Well, the end of it was, long before the month was up they met our committee and they agreed to arbitrate. If the workers didn't get a union shop, they at

least got one that didn't discriminate against them. Everybody was pretty well pleased."

"But why," said Miss Susan, "had the young people quarreled?"

"That," said the Doctor, "I never knew. But, if I had one guess coming, I'd say it was much the same story as Sokofski and Sophy. He hadn't any work, so he took to high jinks. They're both doing great at present. Young Richards is making a study of his shops,— the men, not the shoes,— while Sokofski's got a better job; he and Sophy have rented a real nice flat in the rear. No, the poor little kid didn't pull through. No woman that works as Sophy did can bring up children. It made a big impression on Lydia — the baby's death. She and Sophy had worked over it hard. After you've once suffered together ——"

"Did you all part good friends?" Susan pursued.

"Friends! We're thicker than thieves. Even that old pepper-pod, Richards Senior, wasn't as black as he was painted. Of course, he's past the age for seeing other people's rights; he has to take his own way, and hand out favors on a silver tray. But the boy I'm going to *raise*, and raise *right*."

"Are you going to the wedding?" Susan continued. Her smile had a hint of mockery. Plainly, she thought the Doctor would stop short of that.

"Sure," said the Doctor stoutly, musingly clasping her knee. "I promised them I'd be there." She made a wry face. "Can't you see me ambling around among the oppressors of the poor? Not that they'll guess I'm not one of them. Susan, for once you needn't worry about my get-up. I'm going to look just right. Ever seen my bright blue? No? Well, that's what I'm going to wear."

She smiled into her cousin's dubious little face; then, holding out her beautiful hands meditatively, she made, with a teasing relish for the phrase, a final confession of her surrender:

"Why, for those two gilded toys I've even made up my mind to fall for white mits."

A LITTLE BOY'S LULLABY

BY

BRIAN HOOKER

LITTLE groping hands that must learn the weight of labor,
Little eyes of wonder that must learn to weep —
Mother is thy life now: that shall be to-morrow.
Time enough for trouble — time enough for sorrow.
Now — sleep!

Little dumb lips that shall wake and make a woman,
Little blind heart that shall know the worst and best —
Mother is thy love now; that shall be hereafter.
Time enough for joy, and time enough for laughter.
Now — rest!

Little rosy body, new-born of pain and beauty,
Little lonely soul, new-risen from the deep —
Mother is thy world now, whole and satisfying.
Time enough for living — time enough for dying.
Now — sleep!

WRECK ON THE PENNSYLVANIA RAILROAD AT ATLANTIC CITY, OCTOBER 1906, IN WHICH 70 LIVES WERE LOST

THE CRUELTIES OF OUR COURTS

BY

JOHN M. GITTERMAN

ILLUSTRATED WITH PHOTOGRAPHS

"The one thing which disgraces our civilization to-day is the delays of civil and criminal justice, and these delays always work in favor of the man with the longest purse."— PRESIDENT TAFT, in an address before the Rochester Chamber of Commerce, March 18, 1910.

IT is difficult to realize that in the fiscal year 1908 the railroads of the United States killed, in addition to passengers, 3,470 of their own employees. When three or four hundred persons perish in some steamboat disaster or theater fire, the world stands aghast at the calamity. Yet our railways have brought about an average of 328 deaths each month since 1903. Many a tidy little city has fewer adult male inhabitants than the 4,534 employees whom our railroads killed in 1907.

Injuries are twenty times more numerous than deaths. Whereas once in two hours, month in and month out, a conductor, brakeman, switchman, or railway laborer perishes by accident, one is maimed every six minutes. Last year six and four tenths per cent of all the railway employees in the United States were injured: thus the chances are that no man can escape accident for

nine years. No wonder that most of the life-insurance companies refuse to insure a railroad man on any terms, while in any sort of company a switchman can be insured only at a rating twenty years in advance of his actual age.

Worst of all, matters are not improving. As appears from the statistics on page 167, in which are summarized the facts for the last twenty-one years, the proportion of employees killed outright remains nearly constant, at about a quarter of one per cent each year. Not so the proportion of injured. The absolute number of accidents should have just about doubled with the expansion of the industry. As a matter of fact, it has quadrupled. Where, twenty years ago, the employee had an even chance of remaining uninjured for more than fifteen years, his expectation has sunk nearly to eight. Where the injuries per hundred miles of single track per year were 13.4, they are now 36.2. The killed were 1.4; they are now 1.5. In spite of double-tracking and safety devices and palliative legislation, matters have come to such a pass that if the injured of one bad year could all wait in line before one hospital door, the queue would reach the length of Manhattan Island, from the Battery to Spuyten Duyvil Creek, back again to the Battery, and up once more as far as Madison Square, while the dead, if laid side by side, would make a row nearly two miles long.

But What Happens to Their Widows and Children?

It is not, however, my object to enlarge upon these gruesome facts, but to consider, rather, what befalls the wives and children of these four thousand dead bread-winners, and the families of the injured who are too seriously crippled to earn their former wage. That the killed, the maimed, and their families, taken together, would make up each year the population of a fair-sized city, indicates the magnitude of the problem. A few individual cases will illustrate its gravity.

Let me begin with a simple human document, the letter of a railway employee's widow. Her husband, a conductor on a well-known Western railroad, was sent out on the road, on the 19th of last December, to haul a train with a light yard engine that was quite inadequate to the work. The engine, in consequence, jumped the track and turned over. The engineer had a leg broken; the fireman was scalded; one of the crew was killed outright; and the conductor, pinned down in the snow under the engine, was scalded and inhaled hot steam.

A ——, Okla., Jan. 9, 1910.

Mrs. A. A. R——

My Dear Friends:

I received your dear letter several days ago and it certainly did help me. I know the kind words and sympathy was from a true friend. We are getting along as well even better than I thought we could without my dear husband. Every one has been so kind. The Brotherhood of Railway Trainmen here and at W—— were so kind to us. God knows I can never thank them in words for their kindness. No one knows how hard it is to give up our life's companion when they love one another as Charlie and I did; and as you said, we were so happy and contented with each other. I am so glad and thankful that I can say our last days together were happy ones. I know it makes it so much harder to part. God alone only knows how hard it was to part, and to know he had to die as he did away from home.

And we could not be together our last hours. He told me the evening before . . . that they would have to take the switch engine to C—— to have it washed out, so he . . . just left word for me at the depot that he had gone to C—— and would be back some time the next day. . . . Well I waited all day but he did not come; so I could not be contented some way, and Edna went to a neighbors and phoned to see what time he would be home, and they said about half past nine, so I waited and waited but he didn't come, so I thought I would go to bed, and fixed my bed, but I could not. So I just stood by my west kitchen window and watched the crews come in and come up for lunch, and then I heard some one knock on a neighbors door. Then I see some one coming across the street. I waited until they knocked, and I went to the door, and there stood Mrs. P——. I said what is the matter. She said did you know there had been a wreck. I said is Charlie hurt, she said yes, and . . . is killed. . . . I said you tell them to have the train ready I'll be there to go in fifteen minutes; so I went to the depot and asked if the train was ready and the operator said that there was no train until about 7 a.m. He said I will see if they will send a train and the answer came back no. All the men had worked their sixteen hours and needed their rest, so I come back and went to the agent's room and called him and told him. He went and wanted a train and it was refused; . . . so the agent came back and told me that 7 a.m. was the first train and that Charlie was resting easy and was perfectly conscious. Then I thought, well maybe there is some hopes for him, but when the caller came for me he told me he was dead.

Courtesy of Collier's Weekly

WRECK AT CHATTANOOGA CREEK IN 1907, ON THE NASHVILLE, CHATTANOOGA, AND ST. LOUIS RAILWAY, CAUSED BY AN EXPLOSION OF DYNAMITE. SIX MEN WERE KILLED AND THE ENGINEER WAS BADLY INJURED

WRECK OF THE WHITE PLAINS AND BREWSTER EXPRESS IN 1907, ONE OF THE FIRST ELECTRIC TRAINS ON THE NEW YORK AND HARLEM DIVISION OF THE NEW YORK CENTRAL. 18 PERSONS WERE KILLED OUTRIGHT AND MORE THAN 70 INJURED, MANY OF THEM SERIOUSLY

That is what was hard to think. I could not go to him when they sent for me. And when the crew call for 7 a.m. the order was to take out a full train and do local work. With me, my husband dead and the fireman's wife her husband badly hurt. When the crew read the orders, Oh but they were mad and Mr. I—— wired back give us the engine and way car to take these men's wives, and the crew will go free of charge. Then the order came to go lite and as quick as possible, which they did. I went on to C—— as they took Charlie's body there. There was one of the B. of R. T. went from C—— and when we meet the passenger there was two more of the B. of R. T. One went back as far as F—— the other one went to W—— and when we arrived at W—— there at the depot was a brakeman that used to room here and Mr. K—— Mr. D. B. P—— and it seems there was six of them, every one of them just like a brother so kind and thoughtful. I sent word to his sister, but her husband was very poorly and she could not come, and there was none of my folks that could come, so.I and the children was alone as far as any relatives was concerned, but there was so many kind friends I laid him away the very best I could. His face was burned on his fore head and a spot about like a dollar on his cheek and a place on his nose, but his lips were parched. The wreck was about 5.55 and he lay in the snow until about 8 or 9 before they got any one there to take them on to B—— W——. One of the men asked if they should send for me, he said no don't tell her until we get most home. He said she will worry herself sick. He thought that he could come home but the Dr. said not to move him as he would not live so they sent for me any how. They took him on an engine from the wreck to the station, and he walked from the engine to the section house. His first words were about me and the last before he became unconscious.

About half of an hour before he died he called for me and I could not answer, and just as he died he spoke my name. Oh! if I could only answer his last call. But I could not. I try not murmur nor complain, but Oh! how hard it seems some times as though I surely will go wild. But my trust is in God. He never has forsakened me yet and he has promised in his Holy word to be a Father to the widows and orphans, and he will be. He is faithful who promised. . . . I want to keep the children in school. Edna is in the 8th grade and I want her to make her grade, and the other three are doing nicely. I have had double doors put between the dineing room and front room and have two beds in there. I think I can make my rent and fuel out of my rooms. And I am working at the O—— eating house for six dollars per week, and that had ought to feed the four children as I get my board too. We are all pretty well riged out for clothes. The men are so good about coming over here to sleep. There are six a sleep here now and then there was one slept here today. I have always found it to be true God will help those who try to help themselves. . . .

Children all send kind regards and many best wishes are yours. As ever your faithful friend,

Mrs. E—— R——.
A——, Okla.

Railroad Still Owes This Conductor's Estate Two Months' Wages

When this case was last heard from, the railroad still owed its conductor's estate his wages for two months before his death, and the family was destitute. By and by the widow will find counsel who are willing to gamble on the chance of a successful outcome, and will sue the company. Then the case will probably follow the course of the following similar one.

Mrs. Kane Goes to Court Nine Times; Nine Years of Litigation

On the morning of December 17, 1897, Thomas Kane, a fireman employed by the Erie Railroad, was standing on the front end of his locomotive, industriously engaged in cleaning his engine number. In order to perform this operation it was essential that Kane should stand with his face toward the boiler — a position that necessarily prevented him from seeing what was taking place behind his back in the railroad yard. It was not surprising, therefore, that Kane did not perceive the approach of another train, which, through some one's blundering, had been given the track upon which his own locomotive was standing. Everything was soon over for poor Kane. His widow and children were left destitute, and his widow presently appeared in the United States Circuit Court in the District of Ohio as a plaintiff for damages against the Erie Railroad. Juries are proverbially tender-hearted toward widows in cases of this kind, and in the trial court Mrs. Kane received a verdict for $4,000. The Erie Railroad did not accept this conclusion as final, and promptly took the case to the Circuit Court of Appeals. On August 15, 1902,— five years after fireman Kane's death,— this tribunal set aside the $4,000 verdict and ordered a new trial. And so Mrs. Kane began all over again. Her second trial dragged along two more years, Mrs. Kane's patience finally being rewarded, in April,

THE NEW YORK CENTRAL WRECK AT CROTON, DECEMBER 31, 1909, IN WHICH SPENCER TRASK WAS KILLED. A FREIGHT TRAIN RUNNING AT 30 MILES AN HOUR STRUCK THE EXPRESS, CRUSHING THE END CAR AND WRECKING THE CAR AHEAD

1904, by a decision against her. The fireman's widow, her spirit not yet entirely destroyed, now exercised her option and appealed to the higher Federal court. This time justice moved with comparative rapidity, for eight months later, in December, 1904, the Circuit Court of Appeals handed down another decision, this time in Mrs. Kane's favor. It awarded her no damages, of course; it merely decided that the verdict of the lower court was not in accordance with the law and the facts, and therefore set it aside. Its practical effect, as far as Mrs. Kane was concerned, was to leave her precisely where she had started, seven years before. That is, she had the right to begin all over again; and this she bravely did.

On her third appearance in the trial court, however, Mrs. Kane received summary treatment. Judge Cochran refused to let the case go to the jury, directing a verdict in favor of the Erie Railroad. Apparently nothing could discourage the indomitable Mrs. Kane, for she promptly appealed the case. In the upper court once more she was victorious. Justice Richards set aside the verdict and ordered a new trial. And now, for the fourth time, Mrs. Kane started the litigation in the trial court. This time she won. But the Erie Railroad evidently had as great perseverance as the fireman's widow, for instead of paying the damages it promptly appealed. The decision rendered by the higher court on June 26, 1907, shows that the case was getting on the nerves even of the learned justices. "This case has now been here four times," the opinion read. "There must be an end of litigation." It decided in favor of Mrs. Kane. The ever-patient Erie Railroad, however, was still unsatisfied, and haled Mrs. Kane before the Supreme Court of the United States. It was not until this body refused to interfere with the verdict that the corporation accepted the inevitable and paid the claim sometime after November 11, 1907.*

Nine years, ten months, and twenty-seven days, the widow of fireman Kane was kept waiting for justice. The case had been tried four times in the lower court, and five times it had been heard on appeal. One may guess how much was left from the final damages after the payment of printing bills and lawyers' fees.

Or take the case of Catherine Schlemmer against the Buffalo, Rochester, and Pittsburg Railway Company.† The Federal Safety

*123 Fed. Rep. 474; 133 Fed. Rep. 683; 142 Fed. Rep. 683; 155 Fed. Rep. 118; 207 U. S. 593.

†205 U. S. 9.

Appliance Act finally went into effect in August, 1900. The law had been passed seven years and seven months before, but it had granted an interval to the railroads in order that they might equip their cars with couplers coupling automatically by impact. The Buffalo, Rochester, and Pittsburg, however, had not yet found it convenient to comply.

Schlemmer was ordered to make a coupling between a caboose and a shovel-car, which had, instead of the automatic coupler required by law, an iron draw-bar some seventy or eighty pounds in weight, fastened underneath by a pin and projecting a foot beyond the car. Moreover, the end of the shovel-car was higher than the end of the caboose, so that the two passed each other instead of coming into contact. Schlemmer, therefore, found it necessary to go between the cars to make his coupling. He held a lantern in one hand, for it was dusk, and lifted the heavy draw-bar with the other, at the same time crouching down below the level of the bottom of the shovel-car. Strange as it may seem under these simple conditions, in endeavoring to guide the eighty-pound bar into its slot with one hand while he manipulated the lantern with the other, Schlemmer rose just a little too high, and the cars sheared off the top of his head.

Ten Years Without a Cent of Damages

The case lingered in the Pennsylvania courts, and finally reached the Supreme Court of the United States in the spring of 1907 — only to be sent back to the State courts for more trials. Ten years have now elapsed since the accident. Perhaps, in the course of time, inasmuch as the railroad was clearly acting in violation of the Federal law, Catherine Schlemmer and her children may recover damages. They have as yet not received a penny.

Nor is the state of affairs in any wise different when the employee, instead of being killed, is merely crippled for life. Henry Brinkmeier, for example, had been a brakeman and conductor for seventeen years, had no other business or occupation, and had been earning from sixty to

INSIDE OF A SLEEPING-CAR AFTER A WRECK ON THE NEW YORK CENTRAL RAILROAD

WRECK ON THE NEW YORK CENTRAL OF THE CHICAGO, CLEVELAND, AND NEW YORK SPECIAL IN 1907

ninety-five dollars a month. On November 12, 1900, three months after the Safety Appliance Act had gone into effect, the Missouri Pacific Railway Company was using, in its salt traffic, cars the couplers of which would not couple, and Brinkmeier, in consequence, had his right leg smashed.

Missouri Pacific Railway Smashes a Brakeman's Leg; He Owes the Corporation $113.75 in Consequence

The usual results followed. The case has come before the Supreme Court of Kansas four times; it comes up about every two years, and its latest appearance was early in November, 1909. The decisions of the lower courts have varied from the award to the injured brakeman of $6,500 damages to the opinion that, since the car must have been in the proper condition when new, and nobody had reported it out of order, and the brakeman had not resigned his position on discovering that something was wrong, therefore it was all the brakeman's fault, and the railroad is entitled to recover from him $113.75 costs. There is this to be said for the impartiality of the courts: if Brinkmeier, after nine years of costly litigation, has not recovered a penny of his $6,500 for his leg, neither has the railroad received any part of its $113.75 costs.

Value of a Grown Man's Arm: $27.75

One could go on citing such cases indefinitely. They run all the way from that of Hazelrigg,* who obtained $27.75 for the loss of his arm, to that of the widow of Taylor,† who was awarded $12,000 for her husband's death, but whose case, after more than eleven years, is still in the courts. With eighty or ninety thousand accidents a year, and the percentage of reversals

*170 Fed. Rep. 551.
† 210 U. S. 281.

on appeal greater in this class of cases than in any other, one can imagine the medley of decisions and the extent of the injustice.*

No one who has not had a similar experience can picture the misery of each separate case — the sudden stopping of the family income, the prolonged anxiety of recurring trials, the ever-increasing fees. The children, taken from school, are demoralized by the prospect of funds that never come, and deprived of early advantages that the long-delayed reparation brings too late. Nevertheless, in the end, the loss of a productive worker, the loss to his children of an early education, and the cost of obtaining justice are losses that must be borne by society as a whole. Surely a civilized society ought to be able to devise some means of reducing this loss.

Origin of "Fellow Servant" Doctrine: Priestley's Historic Fall from the Butcher Cart

If we wish to learn precisely why Mrs. Kane and thousands of other longsuffering widows have been unable to recover damages, or have recovered them only in inadequate amounts and after years of nerve-racking litigation, and why Hazelrigg finally succeeded in getting twenty-seven dollars as compensation for the loss of his good right arm, we must go back seventy-four years to a notable spectacle presented in England, in 1836, at the Lincolnshire Summer Assizes.†

Before this solemn tribunal appeared one Priestley, who for many years had diligently pursued in that neighborhood the humble calling of butcher. Priestley had recently met with an accident which seriously interfered with his usefulness as a bread-winner. He had been an employee of a certain capitalist butcher named Fowler; or, in the eyes of the law, he was the "servant" of Fowler, the "master." In the ordinary course of business, Fowler had directed Priestley to accompany a van-load of merchandise from his butcher shop to a stipulated destination. The remarkable circumstance involved in this humdrum proceeding — the one fact that lifts it out of the commonplace, gives it immortality, and makes it a vital part of American judicial procedure — is this: that Priestley himself did not actively have charge of this butcher van; he merely seated himself contentedly and peacefully upon it; he was, in the eyes of the chance observer, simply a passenger. Another essential person was involved, whose name has not been handed down; another employee of Fowler, who loaded the van, drove the horses — in fact, actively assumed responsibility for the whole proceeding. In the eyes of the law, this person was likewise Fowler's "servant," and to Priestley his relation was the extremely important one of "fellow servant."

These two servants started out flourishingly enough, but soon an unfortunate accident took place. The van unexpectedly and treacherously gave way; there was a spill; wagon, men, merchandise, all found themselves in a general mix-up. Apparently the driver of the van escaped uninjured, but poor Priestley soon found himself in bed with a fractured hip. Somehow or other he got the idea into his head that his "master," butcher Fowler, was responsible for his fractured thigh, and proceeded to sue.

"Servant" Priestley Tries to Get Damages from His "Master," Fowler

"Servant" Priestley argued that "master" Fowler was the owner of the van, and that it was his legal obligation to maintain it in good repair. He also claimed that his "fellow servant," the nameless driver of the vehicle, had no right to overload it and thus further endanger his life and limb; and that Fowler, as the "master" of this negligent "fellow servant," was, under the good old common-law doctrine that a principal can be held responsible for the acts of an agent, directly answerable for his injuries. The Lincolnshire Assizes, like many of our lower courts, supported this argument, and awarded Priestley damages of one hundred pounds. And now, "master" Fowler, like his corporation successors to-day, appealed the case, ultimately taking it to the Court of Exchequer. Here their bewigged lordships solemnly took away from Priestley his hundred pounds. He had asserted that his standing in the case was virtually that of an injured coach passenger, whose payment of a certain sum for being carried necessarily implied a contract that he should be carried safely. No, no, not at all, said the law lords. The coach passenger has no means of knowing that the coach is not safely built and that it is not competently handled. But "servant" Priestley had clearly

* The following cases were decided for or against employees after four years of litigation:

Smith's Case, 149 Fed. Rep. 783; the James Case, 163 U. S.; O'Brien Case, 161 U. S.; Bishop, 152 Fed. Rep.; Carr Case, 153 Fed. Rep.; Russell and Jarusi Cases, 155 Fed. Rep.; Chambers Case, 68 Fed. Rep.

The James Case, 81 Fed. Rep., was decided five years after the employee was injured. In Needham's Case there were three appeals, one after each trial, and six years elapsed before the plaintiff obtained final judgment.

Seven years elapsed before the courts rendered final judgment in these cases:

Seley's Case, 152 U. S. 155; Garcia's Case, 152 Fed. Rep.; O'Brien's Case, 161 U. S. 451; and Kilpatrick's Case, 195 U. S. 624.

† 3 Meeson and Welsby Exchequer Reports.

WRECK ON THE PENNSYLVANIA RAILROAD AT HARRISBURG, PENNSYLVANIA, IN 1905. 26 PERSONS WERE KILLED AND 11 INJURED. SEVERAL PROMINENT PITTSBURG PEOPLE LOST THEIR LIVES IN THIS WRECK, AMONG THEM THE SON-IN-LAW OF THE LATE ROBERT PITCAIRN, GENERAL AGENT OF THE PENNSYLVANIA RAILROAD AND SUPERINTENDENT OF THE PITTSBURG DIVISION

had every opportunity to learn whether the butcher van was in good condition. The fact that, in spite of his opportunity of learning the untrustworthiness of the vehicle, he still consented to ride upon it, constituted contributory negligence on his part, and precluded any recovery of damages.

Priestley Could Have Thrown Up His Job, Said Their Lordships

And now the court announced that great principle which will be found underlying all our enlightened decisions in accident cases. The "servant" is not bound to risk his safety in the hands of his "master," and, said their lordships, "may, if he thinks fit, decline any service in which he reasonably apprehends injury to himself; and in most of the cases in which danger may be incurred, if not in all, he is just as likely to be acquainted with the probability and the extent of it as the master." The same theoretical assumption of risk would follow him into any employment he might seek to enter. That is, Priestley had the right of all free-born Englishmen of throwing up his job—and starving. If he chose to keep at work and have his thigh broken, that was his own lookout, just as, in the last analysis, not the Buffalo, Pittsburg, and Rochester Railroad, but Schlemmer himself was to blame for having the top of his head sheared off.

A "Master" Not Responsible for the Acts of a Fellow Servant; Such a Doctrine Would Be "Inconvenient"

But the English court did more than this: it clearly enunciated that famous "fellow servant"

doctrine which most American tribunals have so obsequiously adopted. A master is not responsible for the negligence of a fellow servant, it said. Why? It must be admitted that there is no detailed, elaborate judicial reasoning, no learned citation of previous cases, customs, usages, no appeal to old Anglo-Saxon common law. No, *the master is not responsible;* that's all there is to it. It would be "absurd," it would be "inconvenient," if he were. And now the court catalogued a long series of calamities that would result to the social order that prevailed then, were this revolutionary theory once admitted.

"If the owner of the carriage," it said, "is therefore responsible for the sufficiency of his carriage to his servant, he is responsible for the negligence of his coachmaker, of his harness-maker, and his coachman. The footman, therefore, who rides behind the carriage may have an action against his master for a defect in the carriage owing to the negligence of his coachmaker, or for a defect in the harness arising from the negligence of the harness-maker, or for the drunkenness, neglect, or want of skill in the coachman."

Priestley Case Becomes Firmly Embedded in American Judicial Procedure

The court, evidently believing that it had now proved a perfect *reductio ad absurdum*, dismissed Priestley's claims. Its conclusion that the master could not be held responsible for the injuries to a servant inflicted by a fellow servant immediately crossed the Atlantic, and became so thoroughly embedded in American judicial procedure that no one has yet succeeded in rooting it out. The important point to be kept in mind is that no logical legal principle underlies this "fellow servant" idea; indeed, for centuries, since Roman days, the legal presumption had been quite the reverse — that a principal was directly accountable for injury inflicted by his agent. Their lordships of the Court of Exchequer evolved this new theory out of the blue, simply because the old one seemed to them to entail pecuniary hardships upon the privileged social classes. Their ruling was a class ruling, nothing more. That consciousness of the superiority of one layer of society to another, which enters so largely into the judicial history of all nations, here found a representative spokesman. The instances cited by the court as the inevitable consequences of admitting Priestley's claim show this. The idea that it might be perfectly proper for a master to pay damages to a footman who had been injured in his service evidently never occurred to the writer of that opinion.

Fellow Servant Principle Long Since Repudiated in England; Still Holds in United States

In England itself, where this fellow servant idea originated, it has since been repudiated. The ghosts of Priestley and Fowler no longer haunt the high places of English justice. To-day Priestley would not have to go to law at all to obtain adequate compensation; he could get it under the Workmen's Compensation Act of 1906.* Only in the United States do the judicial proceedings that followed Priestley's epochal fall from the butcher van still decide railroad damage suits. Of all countries civilized enough to have well-developed railroads, Turkey and the United States alone have no Compensation acts, and the American courts alone glorify their adherence to the fellow servant idea. It was this principle that kept poor Mrs. Kane in court for more than nine years; it is now depriving America's widows and orphans of millions of dollars every year.

The first American to suffer under this English ruling was one Nicholas Farwell. Farwell was not thrown from a butcher's van, but from the locomotive of which he was the engineer. The fellow servant in this case was one Whitcomb, a switchman in the employ of the company for which Farwell worked — the old Boston and Worcester Railroad. One dark night in October, 1837, Whitcomb failed properly to set his switch; as a result, Farwell's engine was hurled from the rails, and he himself was "thrown with great violence upon the ground," one of the wheels passing over and destroying his right hand. Chief Justice Shaw, of the Massachusetts Supreme Court, which Farwell's case ultimately reached in 1842, immediately detected the close resemblance between this accident and Priestley's. Like Priestley, Farwell was injured, not through any negligence of his own, but through that of a fellow employee — a "fellow servant." Chief Justice Shaw's opinion, dismissing Farwell's suit, might easily have been written by the justices of the Exchequer who drove Priestley out of court.

"The general rule," said Chief Justice Shaw, "is that he who engages in the employment of another for the performance of specified duties and services, for compensation, takes upon himself the natural and ordinary risks and perils incident to the performance of such services, and, in legal presumption, the compensation is adjusted accordingly. And we are not aware of any principle which should except the perils arising from the carelessness and negligence of those who are in the same employment. These

*6 Edward VII., Chap. 58.

are perils which the servant is as likely to know, and against which he can as effectively guard, as the master."*

The American principle, as deduced from the classical English case,— which England many years ago sent to the legal scrap-heap,— is, therefore, briefly, this: Any man who engages in a dangerous occupation does so at his own risk. If he objects to doing it, he has the privilege of throwing up his job. He is not a slave — he cannot be compelled to work under hazardous conditions. If, in spite of this knowledge, he scalds to death under his boiler, or has his head scraped off while attempting to couple cars, he — or, rather, his widow and orphan children — must suffer the consequences. The women and children who are constantly failing to obtain justice never heard of old Priestley and his fall from the butcher van; but had he, on that morning seventy-four years ago, had a safe and comfortable ride to his destination, the present procedure in the courts of forty-six American sovereign States would probably be entirely different.

*4 Metcalf 57.

Knowledge an Alert Engineer is Supposed to Have

Consider the working of this legal fiction in a case that is far too frequent in actual life.

WRECK OF THE WHITE MOUNTAIN EXPRESS ON THE NEW YORK, NEW HAVEN, AND HARTFORD RAILROAD, AT GREENWICH, CONNECTICUT, IN 1908. SPREADING RAILS WERE THE CAUSE OF THIS ACCIDENT. ONE WOMAN WAS KILLED AND 25 PERSONS INJURED

The engineer is handling his train precisely as he should, and following out to the letter every direction of his superiors; but, through the carelessness or stupidity of a telegraph operator miles down the track, his train is suddenly flung against a string of coal-cars on the main line. The engineer sticks to his post and is killed. Every passenger on that train who can show any sort of hurt, from nervous shock to internal (and invisible) injuries, can recover substantial damages. With most of these persons the railroad will settle out of court. The engineer's widow or orphans cannot get a cent, nor can any

other employee of the railroad, nor any employee of any other common carrier on duty on that train. The court says that *these suffer through the act of a fellow servant.* Unlike the passengers, they are supposed to know all about the incompetent telegraph operator, and to have had him especially in mind when they made their contracts with their employer. They assumed the risk; if they suffer it is their own fault. The fact that they are working for a railroad at all implies, in the eye of some courts, a waiver of all rights to life and to limb when injured.

Decisions of Courts Encourage the Killing of Railway Employees

The result of this attitude of the law is obvious. The railroad has to pay for an injured passenger: therefore it takes pains not to injure him. The railroad has to stand the loss of a damaged locomotive: therefore it takes pains not to damage it. The railroads do not, in general, have to pay for killed employees: therefore they kill one in every two hours. The law throws the whole burden of industrial accident on the toilers; the protection that this affords the employer simply encourages his negligence and increases the number of mishaps. The railroads are not philanthropic institutions. Where the law exempts them from responsibility, they will hardly assume responsibility for themselves.

That these worn-out theories of law do result virtually in gross injustice is a fact that has often been recognized by eminent publicists and sometimes by the courts themselves.

Opinion of One of Lincoln's Appointees: "Human Life Cheaper Than Lumber"

Thus, Judge Caldwell, an appointee of President Lincoln, of the Circuit Court of Appeals of the Eighth District, in a dissenting opinion in Kilpatrick *vs.* the Choctaw, Oklahoma, and Gulf Railroad Company, said:

"Whenever it is made to appear to a railroad company that it costs more to pay damages assessed against it by the verdicts of juries for maintaining a dangerous condition of its track or appliances than it would cost to substitute safe ones in their place, the substitution is quickly made. But as long as courts hold as a matter of law that what the witnesses in this case declare to be 'simply a death trap' may be maintained with impunity, and without pecuniary liability, the death trap will remain and the slaughter go on. The decision of the majority of the court makes human life in this circuit a cheaper commodity than lumber."*

*121 Fed. Rep. 16.

It is the duty of every civilized State to alleviate and as far as possible to guard against the tremendous loss of life and limb among those who regularly incur risks. When we think of the untold suffering of the victims of accidents and those dependent upon them, and of the innumerable cases decided in all of the courts of this country, both Federal and State, saying to these victims, and to the suffering widows and orphans, that there is no redress for them, it is an easy matter to understand that the appeal for the enactment of remedial legislation should be irresistible. The common instincts of humanity require that something should be done for the relief of this great army of railroad employees and those dependent upon them.

In a recent argument in court, a lawyer said: "Where a workman, faithfully performing his master's duty, is injured by reason of the perils of the industry which the master is conducting, the common law lets him lie where he falls, and places no obligation on the master to care for him."†

The President recently spoke at Chicago on the "unjust rules of the law exempting employers from liability for accidents to laborers"; and President Roosevelt, in his speech at the Jamestown Exposition, declared:

"It is neither just, expedient, nor humane, it is revolting to judgment and sentiment alike, that the financial burden of the accidents occurring because of the necessary exigencies of their daily occupation should be thrust upon those sufferers who are least able to bear it, and that such remedy as is theirs should only be obtained by litigation which now burdens our courts."

It is a general principle of all our laws concerning compensation for injuries that the injured party must himself be free from blame. The rule is obviously just. Any passenger suing for justice must come before the court with clean hands, and no one can reasonably expect damages from another for what was in any part due to his own act or neglect. If I buy my railroad ticket in due form, sit quietly in my seat in the car, and then meet with accident, I can recover appropriate damages. But if I choose to ride the bumpers, or insist on standing on the platform, or even accompany my dog to the baggage-car, and then am hurt, I have no claim. I took unnecessary risk with my eyes open; I am guilty of "contributory negligence."

The "Ordinarily Prudent Person"

The standard of the law is that the injured person must have behaved as "an ordinarily prudent person" would have behaved under

† See Davis *vs.* Forbes, 47 L. R. A., 170, 171 Mass. 548.

Photographed by Anderson, Bay Shore, Long Island

COLLISION IN JULY, 1909, BETWEEN A RACE-TRACK SPECIAL TRAIN ON THE LONG ISLAND RAILROAD AND A MOTOR TRAIN OF THE BROOKLYN RAPID TRANSIT. THE MOTOR TRAIN ATTEMPTED TO CROSS THE TRACKS IN FRONT OF THE OTHER AND THE ENGINE OF THE LONG ISLAND TRAIN RAMMED AND TELESCOPED THE LAST CAR AND DERAILED THE NEXT

WRECK ON THE BALTIMORE AND OHIO IN 1909, IN WHICH 3 PEOPLE WERE KILLED AND 17 HURT ONE OF THE COACHES WAS THROWN ON ITS SIDE AND ROLLED DOWN A STEEP EMBANKMENT, AND THE TWO SLEEPERS WERE SAVED FROM BEING DITCHED ONLY BY THE QUICK ACTION OF THE FIREMAN IN THROWING ON THE EMERGENCY BRAKES

like conditions. Kane, whose long-drawn-out case I have already cited, failed to recover because "an ordinarily prudent person" would not have been cleaning a locomotive's number at early dawn on a congested track. An ordinarily prudent Kane, if he were not at dawn tucked up snugly in bed at home, would at least have removed his locomotive to some retired nook and cared for it in safety. An ordinarily prudent Schlemmer would not have crawled underneath a defective coupler; he would have politely but firmly refused to handle the car in the twilight at all until it had been equipped in conformity with the law.

According to the rules laid down by the courts,* E. M. Delk should not have attempted to make the coupling on a lumber-car, because the chain connecting the uncoupling lever to the lock-pin was disconnected, owing to a break in the lock-block, and to the unlawful use of the car by the railroad company. The draw-bar also had a lateral swing of four inches. It is clear that Delk should have politely but firmly refused to handle the car. To be sure, he would have had to travel some hundred-odd miles to the general office of the railroad, interview the superintendent or the general manager, and ask to have a proper coupler put on the car. For note that every one of the persons to whom he might have appealed in or near the switching yards were his fellow servants, whose refusal to remedy the defect would not have helped the brakeman a particle when his case came to court.

Where outside of Bedlam would one look for decisions like to the two that follow? Seley, several years brakeman and conductor for the Southern Pacific, and killed through having his foot caught in an unblocked frog, must be assumed by the court to have "continued in the employ of the defendant with full knowledge of the dangers asserted to arise out of the use of unblocked frogs." "His object to couple the cars might have been successfully accomplished without placing his foot in the frog."† Therefore, after seven years of litigation, his widow is liable to the railroads for the costs of defending the suit.

The twenty-year-old widow of Needham, a brakeman killed on a dark December night, is given damages by a jury, only to lose on appeal, on the ground that "the establishment of any rule that will enable a jury to arrive at absolute compensation to the widow and next of kin for their pecuniary loss is hopeless."‡ Again the jury found for the widow, and again the Appellate Court set aside its finding because the jury § might have determined that the death of the fireman was neither caused nor contributed to by the absence of a switch target, beyond which the train ran into an open switch and smashed things, and it might have resulted from the acts of Needham's fellow servants. Only with the third trial was a scrupulous court persuaded that technical justice had been done.

Commerce Could Not be Carried on by "Ordinarily Prudent Persons"

The fact is that in switching cars or loading trucks, in handling dangerous appliances or operating high-power machinery, in the routine conduct of any of the braver occupations, the ordinarily prudent person set up by the courts is distinctly out of place. Notoriously, every great bridge costs at least one human life. In every railroad yard, at every hour in the day, there arise emergencies where some man must jump in and do something, though at appreciable risk of life and limb. If brakemen and switchmen and engineers always abode by the letter of the companies' rules, if they never made flying switches, nor handled a car until all its safety appliances were working in accordance with the statutes, and if in general they comported themselves as "ordinarily prudent persons," the internal commerce of this country would simply stop. You can no more move a train with a crew of "prudent persons" than you can fight a battle with an army of them. The kind of prudent man presupposed by the courts is on the bench or behind the ribbon counter; he does not go into railroading at all.

This analogy between fighting and railroading is an illuminating one. Trainmen are at least as necessary as soldiers — and their occupation is distinctly the more dangerous. It is literally true to-day that, of two young men, one adopting the regular army as his profession, the other railroading, the inoffensive citizen engaged in the peaceful tasks of commerce has decidedly the smaller chance of coming through with a whole skin and dying in his bed.

Railroading a State of War — Without Pensions for the Killed and Injured

Yet, when a soldier is hit, we do not make him or his widow sue ten years in the courts for his pension, nor offer him $27.75 spot cash in full for the loss of an arm. No act of a "fellow servant" absolves the State from its duty; nor any implied "assumption of risk." We do not require him to prove that he acted with entire prudence during the battle. In fact, we rather commend a certain amount of "contributory negligence" in the soldier, and not that care which an "ordinarily prudent person" would exercise in shirking or avoiding risks inherent in the calling. The State assumes that if it goes to war somebody is bound to be hurt; and the State, as a matter of course, shoulders the inevitable burden of these injuries. Railroading is virtually a state of war.

Pensioning Soldiers a Modern Idea

It has not always been so, for the idea of pensioning soldiers after a war is compara-

*158 Fed. Rep. 931; 162 Fed. Rep. 145. †152 U. S. 155.
‡52 Fed. Rep. 371. §63 Fed. Rep. 114.

tively recent. General officers have received pensions for many years, but only in modern times has the common soldier been provided for. Until lately, States allowed the men to whom they owed their continued existence to hang about village inns, broken in health and maimed in body, chance objects of pity or charity to the beholder. Until lately, in short, society treated the soldier as it still treats the brakeman: it used him for its own profit, and then tossed him into the scrap-heap of the industrially unfit. This was again merely the discrimination of one class against another, precisely as the original discrimination, in the Priestley case, was that of master against servant.

What One Judge Thinks of the "Fellow Servant" Rule

The whole situation is well summed up in the words of Judge Morris, of the United States District Court,* in the case of Kelley *vs.* the Great Northern Railway Company:

"In the same article its authors seem to look upon the changes made by this act in the fellow servant rule, the contributory negligence rule, the rule as to the freedom of a carrier to contract with its employees concerning its liability for an injury to an employee, and the removal of the limit to the amount of recovery for an accident resulting in death, so often prescribed in other statutes, as startling and dangerous.

> In twenty-one years the percentage of employees killed or injured on the railroads of the United States has nearly doubled. At the rate the railroads were killing and maiming employees in 1888, it would have taken thirty-two years to have killed or injured all the men on their rolls at that time. At the present rate it would take only seventeen years to kill or injure all the employees now on the rolls. If the number of railroad employees remains constant for fifteen years, 1,300,000 men, at the present mortality rate, will be killed or injured. But the number, of course, will greatly increase. It is, therefore, probably no exaggeration to say that, unless the railroads radically improve their present methods of safeguarding their employees' lives, they will either kill or injure, within the next fifteen years, not far from 2,000,000 men.

There are always certain tasks that somebody must perform, tasks that are inherently dangerous, tasks in which, in spite of all safeguards, there will always be a constant daily risk. In every year to come, as in every year that has passed, a certain number, predictable in advance, of firemen, policemen, soldiers, and railway employees, will be killed, and a certain other number disabled. Firemen, policemen, and soldiers have their pensions. The men who run the greatest hazard of all, the one group that the wildest Utopian dreamer has never thought to do without — these have only the right to go to law. There they must prove that they themselves have been without fault, and that no act of any fellow servant contributed to their mishap. In addition, they must find the wherewithal to support their families while they maintain their suits before the courts year after year. "Narrow is the way, and few there be that find it."

They do not impress me. I think it has come to be generally recognized that their reasoning of the cases in which the fellow servant rule has been laid down by the courts has, in view of modern methods and the many dangerous mechanical means and appliances used in almost every branch of modern industry, lost much, and in some cases all, of its force. I think it may be fairly asserted that the contributory negligence rule, as laid down and applied by the courts, is, in view of modern conditions, certainly as applied to those engaged in certain occupations, a harsh, cruel, and unjust rule, and ought long since, in the furtherance of justice and in the interest of humanity, to have been greatly modified."

That strict rule which forbade the recovery of damages by the employee for injuries inflicted by the negligence of a fellow servant was condemned by Spear, District Judge in Snead *vs.*

*152 Fed. Rep. 231.

Central of Georgia Railroad (151 Fed. Rep. 608), as "this great and unreasonable injustice to that splendid body of citizenship upon which so much of the prosperity of the nation must depend."

Remedies for this intolerable condition of affairs fall naturally into three general groups: acts to prevent the occurrence of accidents, Employers' Liability acts, and Workmen's Compensation acts.

The first method is one that was applied in a limited degree. The success of this method has only been limited by the judicial habit of devitalizing such legislation by interpretation. Given sufficiently rigid statutes, drawn with a precision to which legislation in this country does not usually attain, given also a sufficiently large army of inspectors, all honest, and courts enough to handle the cases that arise under the statutes, there is no doubt that the number of industrial accidents would diminish greatly. Such acts have also the advantage of being constitutional and easy to pass. Their chief weaknesses are that they rule that the offense lies in not maintaining a specific safety device rather than in maiming the workman; that they *do not touch at all the large class of accidents inherent in all dangerous occupations which no safety appliances can prevent;* and that they spend in litigation money that might better go toward providing for the injured and their dependent families. Thus far, however, a lawless employer saves money by not complying with such laws as we have. There must be devised a remedy to undo the unjust contract, made by the courts for the workman, whereby, when he agrees to sell his labor, by judicial construction his life and limbs are thrown in as good measure.

The following table shows the increased or decreased percentage, year by year, since 1888, in the number of *railroad employees* killed and injured on American railways.

PERCENTAGES OF INCREASE (+) OR DECREASE (−) NUMBER KILLED AND INJURED

				Per Cent
1890	over	1889	+	12.94
1891	"	1890	+	15.90
1892	"	1891	+	7.02
1893	"	1892	+	11.79
1894	"	1893	−	26.73
1895	"	1894	+	8.96
1896	"	1895	+	15.71
1897	"	1896	−	7.76
1896	"	1897	+	14.85
1899	"	1898	+	10.12
1900	"	1899	+	13.62
1901	"	1900	+	3.84
1902	"	1901	+	22.08
1903	"	1902	+	19.80
1904	"	1903	+	10.31
1905	"	1904	−	.71
1906	"	1905	+	14.86
1907	"	1906	+	14.32
1908	"	1907	−	5.80

The Brakeman Should Be Put on the Same Basis as the Passenger

Far more efficient are Employers' Liability acts. Put the brakeman on the same basis as the passenger, abolish the legal fiction of "assumption of risk" written by the courts into the contract of employment, make the railroad responsible for the acts of its employees toward one another, as they have been responsible these seventy years for their acts toward outsiders, and at once the best safety appliances will become a necessary economy; legal technicalities will no longer serve as a refuge for the public corporation; cases will then be decided promptly or settled out of court; and the great sums now spent in lawyers' fees and costs of trials will be diverted to a more useful end. Unfortunately, such legislation requires a certain reconstruction of legal theory — and the courts are ever wedded to the eternal yesterday.

The Need of Compensation Acts

Thus, effective Employers' Liability laws, making compensation by law fixed and certain, must inevitably lead to Workmen's Compensation acts, by the aid of which payment for accidents will be made without recourse to courts or lawyers. These put all servants of society on the same basis as firemen, policemen, and soldiers. Any faithful employee injured in the discharge of his duty is *ipso facto*, and without necessary recourse to a court of law, entitled to prompt and definite compensation, proportionate to his loss of earning power. This method includes the other two: Accident Prevention acts, model in form and self-enforcing, because the employer must protect his men — or pay for them; Compensation acts, under clear and definite rules, and therefore easy of enforcement. The employer pays; the injured receives. No third party comes in for any share. This, therefore, is in the long run the cheapest method; since, in the words of W. E. McEwen, Commissioner of Labor of Minnesota, "while labor suffers the pain, society in the end must pay the bill."

Nearly All Civilized Countries Have Compensation Acts

Workmen's Compensation acts are so much more efficient, and in the end so much more economical, than any other legislative devices that look to the same end, that their general principle has now been adopted for railway and other employees in Switzerland, Germany, France, Austria, Spain, Italy, Bohemia, New Zealand, and Mexico.

Even the English, who invented the injustices of the law that still blind our American courts of law, even they, after years of tinkering with their common law, and after experimenting with the Employers' Liability acts, have adopted a Workmen's Compensation Act* whereby in certain named employments the enterprise itself, as part of its operating expenses, must pay compensation in accordance with the specifications of the act and *without suit at law*. In fact, as already said, there are now only two countries that are sufficiently civilized to have well-developed systems of railways which have not also Workmen's Compensation acts to protect the men who administer them. These are the United States and Turkey. And the Turks are to have such an act as soon as the reform government gets fairly on its legs.

*6th Edward VII., Chap. 58, Dec. 21, 1906. Afterward extended to nearly all vocations.

In Germany, Injured Workmen Receive Compensation Automatically

In Germany, for example, the Schlemmers and Kanes and Brinkmeiers do not go to law. The public authorities certify that the man was injured or killed while on duty. Within a week the first payment of the compensation comes to him, at his own house. For thirteen weeks, in the case of injury, the customary sick-insurance payments may continue; but the acceptance of any such payments in no wise prejudices the right of the recipient to take any later action that he may deem wise, in the courts or elsewhere. A month later at the most, in ordinary cases, the employee or his widow receives the first instalment of the pension, the full legal compensation as fixed by the nature of the injury and the previous earning power of the injured. From two to four months, at the out-

COMPARATIVE STATEMENT SHOWING NUMBER OF RAILWAY EMPLOYEES IN SERVICE AND THE PERCENTAGE KILLED OR INJURED FOR THE YEARS NAMED†

Year Ending June 30	Employees in Service	Employees Killed		Employees Injured		Total Employees Killed or Injured	
		Number	Per cent	Number	Per cent	Number	Per cent
1888	‡	2,070	‡	20,148	‡	22,218	‡
1889	704,743	1,972	.28	20,028	2.84	22,000	3.12
1890	749,301	2,451	.33	22,396	2.99	24,847	3.32
1891	784,285	2,660	.34	26,140	3.33	28,800	3.67
1892	821,415	2,554	.31	28,267	3.44	30,821	3.75
1893	873,602	2,727	.31	31,729	3.63	34,456	3.94
1894	779,608	1,823	.23	23,422	3.01	25,245	3.24
1895	785,034	1,811	.23	25,696	3.27	27,507	3.50
1896	826,620	1,861	.23	29,969	3.62	31,830	3.85
1897	823,476	1,693	.21	27,667	3.36	29,360	3.57
1898	874,559	1,958	.22	31,761	3.63	33,719	3.85
1899	928,924	2,210	.24	34,923	3.76	37,133	4.00
1900	1,017,653	2,550	.25	39,643	3.90	42,193	4.15
1901	1,071,169	2,675	.25	41,142	3.84	43,817	4.09
1902	1,189,315	2,959	.25	50,524	4.25	53,493	4.50
1903	1,312,537	3,606	.27	60,481	4.61	64,087	4.88
1904	1,296,121	3,632	.26	67,067	5.17	70,699	5.45
1905	1,382,196	3,361	.24	66,833	4.84	70,194	5.08
1906	1,521,355	3,929	.26	76,701	5.04	80,630	5.30
1907	1,672,074	4,534	.27	87,644	5.24	92,178	5.51
1908	1,458,244	3,470	.24	83,367	5.72	86,837	5.96
		56,506		895,548		953,063	

Increase in percentage of number of employees in 1907 over number in 1889	137.26
Increase in percentage of number killed or injured in 1907 over percentage of number killed or injured in 1889	76.602
Increase in percentage of number injured in nineteen years	84.51

†Compiled from figures shown in the annual reports of Statistics of Railways in the United States, issued by the Interstate Commerce Commission.

‡Figures not available.

side, elapses between the accident and the final settlement. Not a penny goes for costs or fees. The stricken family receives adequate, prompt, and just relief, with the least possible friction, at the time when it is most needed.

Falling Off in Poor Relief

The results of such a system are exactly what one might expect. There has been a vast falling off in poor relief; the envy and bad feeling always caused by litigation have disappeared. Each group of dangerous occupations pays for its own accidents. The result is that each employer provides all possible safeguards for his workmen and enforces his regulations strictly. In proportion to the number of persons employed, or the number of miles of track operated, the fatal railway accidents to employees in Europe are actually less than one half of the number of those in the United States.*

**From the Bulletin of the United States Bureau of Labor, September, 1908:*

"The facts presented in this article warrant the conclusion that the casualty risk in American industries is a most serious one, toward the reduction of which every effort should be made. At least, a more earnest effort should be made to profit by the industrial methods of European countries. Granting that the underlying conditions are often quite different, and that many of our industrial accidents are the result of ignorance, reckless indifference, or carelessness, the fact remains that an immense amount of human life is wasted and a vast amount of injury is done to health and strength, with resulting physical impairment, which has a very considerable economic value to the nation as a whole. If, for illustration, the accident liability of employees in coal mines in the United States were reduced from 3.10 per 1,000, which was the average annual rate for the period 1897-1906, to 1.29 per 1,000, the average rate in the United Kingdom for the same period, the annual saving in human life would be 915. If the rate of casualties of railway employees in this country were reduced from 2.50 per 1,000, which was the average annual rate for 1897-1906, to 0.98 per 1,000, the average for the German Empire for the same period, the annual saving would be 1,735 valuable human lives. As stated at the outset, upon a conservative estimate, the total mortality from accidents in the United States among adult male wage-earners is between 30,000 and 35,000, of which it should not be impossible to save at least one third and perhaps one half by intelligent and rational methods of factory inspection, legislation, and control. In addition there were approximately not much less than two million non-fatal accidents, that not only involve a vast amount of human suffering and sorrow, but materially curtail the normal longevity among those exposed to the often needless risk of industrial casualties."

CHAINS

BY

ARTHUR STRINGER

I WATCHED the men at work on the stubborn rock,
But mostly the one man poised on a drill
Above the steam that hissed and billowed about him,
White in the frosty air, where the lordly house would stand.

Majestic, muscular, high like a god, he stood,
And controlled and stopped and started his thundering drill,
Offhanded and careless and lordly as Thor,
Begrimed and solemn and crowned with sweat,
Where the great steel chains swung over the buckets of rock.

Then out of a near-by house came a youth,
All gloved and incased in fur, and touched with content,
Thin-shouldered and frail and finished,
Leading a house-dog out on a silver chain.
He peered at the figure that fought with the drill
Above the billowing steam and tumult of sound,
Peered up for a moment impassive, with almost pitying eyes,
And then went pensively down the Avenue's calm,
In the cold white light of the noonday sun,
Not holding, but held by his silvery chain!

A TEXT-BOOK SOLDIER

BY

DONAL HAMILTON HAINES

ILLUSTRATIONS BY

DAN SAYRE GROESBECK

THERE was nothing about Witherton that looked military except his uniform. Casual spectators, watching the evolutions of the troops at Fort Wilson, failed to hide their smiles when Witherton cantered past with his battery, sitting his horse like the veriest recruit, and obviously at a loss just what to do with his saber. He had an abstracted air as he rode, and his mess had held long and fruitless discussions as to whether or not he would be killed if his horse stumbled. More than this, he had a distressing fashion of adjusting his eye-glasses at the moment of giving a command, and his manner of sighting a gun was that of a lady pouring tea.

When the battery was attached to the Sixth Corps and sent overseas on active service, everybody smiled — except the Major who commanded the battery. The Major had studied the range-sheets that marked the performances of the particular gun over which Witherton ruled, and the figures were astonishing.

The Major once showed them to a visiting Potentate, who was interested.

"My dear Major," said the Potentate, thumbing the record, "if all your guns were served like that, you wouldn't need infantry. Upon my word, you wouldn't!"

Witherton went to war with an appalling amount of baggage. Some of his brother officers, believing that he had invented a new explosive or range-finder, pried open the suspicious-looking suit-cases and looked. They found mathematical text-books, a treatise on artillery by an English expert with several letters after his name, and — an endless number of clean collars.

A general staff with a tendency to follow the tactics of the first Napoleon dropped the army into a country of immeasurable distances, endless hills, bad roads, and no cover. It was hard work for the infantry, harder for the engineers, impossible for the cavalry — and paradise for the gunners. The air that shimmered above the barren hills seemed to have been made for the sighting of guns and the inspecting of distant battery positions.

The battery of which Witherton's gun formed a part was attached to a column of light infantry designed to cover ground rapidly and get out of the way without notifying the enemy of their presence. They were supposed to ogle the enemy exhaustively without ruffling his front. When the enemy's front did become ruffled, in the form of sending out keen-sighted sharpshooters, it became the province of Witherton's gun, and the other five 1.5-inch weapons that made up the battery, to discourage pursuit.

"And let me tell you," commented Corcoran, first lieutenant of one of the light-infantry companies, "that man Witherton is nothing less than a wizard with that gun of his."

"Any man who can sight a gun over a two-inch freshly laundered collar is something of a wizard," admitted Drummond, from the other side of the fire.

"Oh, I'll admit that Witherton's something of a dude and a good deal of a stick, as far as that goes," Corcoran conceded, between puffs at his pipe, "and it gets on my nerves to see him fussing with that little gold spectacle-chain over his ears, and wiping his hands between shots on one of his interminable handkerchiefs; but he knows more about finding the range and he gets more shots to the minute out of his gun without getting her red-hot than any other man in a dozen batteries."

"He keeps his old cannon unholy clean," Drummond went on.

"He does," said Corcoran. "I saw him last night, standing there in the light of a lantern, with a thumb marking the place in some book he was reading, and the other hand pointing out a speck of rust to a grumbling gunner."

So Witherton achieved a certain kind of prominence in both armies. His own army knew him as the man who was called upon to do the pointing and range-finding when there was a delicate bit of long-range hammering to be done at some inoffensive-looking mountain-top that the generals thought might harbor troublesome batteries. The enemy knew him, in the abstract, as some chap who had an uncanny way of picking out their most carefully screened gun positions, and stripping hidden pieces naked, and tumbling things about uncomfortably without wasting many shells in doing it. But neither army knew that he had written a modest article which uncovered some hitherto unguessed possibility in integral calculus, and that, hidden in the depths of one of his suit-cases, under a supply of fresh linen, was a letter offering him the chair of mathematics in a small college at home.

Witherton was wont to take the letter out and read it at night, fingering the gold chain of his eye-glasses with a sort of nervous satisfaction. Then he would sit staring into the darkness, sigh, and put the letter away, because a subtle sense of patriotism and duty kept him from quitting the battery and running back to the class-room, as inclination prompted him to do.

"How long do you suppose this war is likely to last?" he asked Corcoran one day, as the battery paused to wait for the mending of a broken tug near the resting-place of Corcoran's company.

"Well," said the cheerful Irishman, smiling back in answer to Witherton's peering, anxious face, "if they keep you artillery fellows at it all the time, and don't let us get to close quarters, I don't think it will take a day less than a century for us to do it."

"Dear me!" exclaimed Witherton in consternation, and he adjusted his glasses and peered inquisitively into the distance.

A week later, Witherton, whose mind was as empty of any thought of advancement as a commissariat mule's, threw himself in the way of promotion. A detachment of half a dozen companies of infantry, a rather useless squadron of troopers from a crack cavalry regiment, and Witherton's battery stumbled on a larger body of the enemy than it had been intended they should encounter. It was a rather embarrassing situation, and it might have been serious had not Witherton — for his commanding officer was disabled, with a bullet through his hip — methodically shelled five of the enemy's guns into silence, sprayed shrapnel judiciously over the heads of an incautious line of infantry, and then dropped six shells with admirable precision into the very midst of a body of cavalry that had almost succeeded in creeping upon their rear.

The little force pulled itself out of a bad hole almost by its own boot-straps; and the commanding officer, a man of sound good sense with an eye to justice, sprinkled Witherton's name generously through his report, and touched up the latter here and there with bits of language more picturesque than is usually included in reports. The result was that there was a stir of headquarters proportions, and Witherton found the straps on his shoulders bearing different insignia, and himself in command of eighteen guns.

The mild-looking lieutenant went up over the heads of several well-worn veterans, who growled and grumbled. In time of peace they would have made Witherton very unhappy; but war tends to give private animosity little scope for action, and Witherton went untroubled.

"Now, if you and I," complained Corcoran, in high good humor, "had gone and done anything like that, they'd have said, 'Here's Drummond and Corcoran. They're busters, they are; they know this game of war from top to bottom. We'll just make them work their heads off, and our reports that go home will look nice no end.' But they don't do that with Witherton."

"Don't they?" inquired Drummond, who lacked Corcoran's bent for watching the course of things.

"They do not," answered Corcoran with dignity. "They consider that they've discovered in Witherton a sort of prize package which they ought to trot out only on parlor occasions. If there's a rough little shindy where a few guns are bound to be knocked up, why, Witherton and his pets are as far away as possible. But if there's any of this pretty, innocuous pegging which doesn't even take the crease out of the

gunners' trousers — why, they send for Witherton, and he brings his guns, his collar, and his eye-glasses, and turns the trick."

"Well?" said Drummond, whose mind was not overswift.

"Oh, nothing," said Corcoran wearily; "only it's funny."

"So' it is," agreed Drummond mirthlessly, and they went to sleep.

Now, the army of which Witherton's battery formed a very small but rather important unit was an army that looked invincible on paper, but its working value was an unknown quantity that had given its field officers many sleepless nights. Owing to these same sleepless nights, the staff had been very cautious, and had contented itself with sparring cautiously with the enemy and making no movements in force, until some of the nervous journals at home had commenced publishing lurid caricatures paralleled by pointedly inquisitive editorials. The staff cared not a snap of its fingers for what was said by the newspapers, but it awakened to the fact that the army was a whole lot more serviceable than it had dreamed in its wildest periods of hopefulness, and the cautious sparring stopped abruptly.

"I BEG YOUR PARDON," HE MURMURED ABSENTLY"

The main difference between battles of the present and battles of half a century ago is that now the armies involved know vastly less about what is going on and the field officers know (or guess at) vastly more. The staff had known for months exactly what moves it would make when the army had shown itself fit — always providing that the enemy waited to be attacked. The enemy had experienced several unlooked-for hitches in his mobilization, and the army's clever sparring had impressed him, so he sat tight behind the river and mountain-range that formed his first line of defense, and waited.

A few days after Witherton took upon his sloping shoulders the cares and responsibilities of majorship, the army gave a lurch, rolled out over a front of nearly thirty miles, strengthened the long feelers that were nosing over the country far in front of it, incased its supply trains in long sheaths of cavalry, and unostentatiously began bringing its artillery toward the front. The army accepted the situation philosophically.

"Now we're going to quit this dilettante business and have a real, bang-up fight," announced Corcoran, swinging along at the side of his company. "I wonder what it'll be like."

"I imagine," returned Drummond, "that it will be very hot and very disagreeable, and that it'll be the usual thing to go without meals."

"We've been too well fed, anyhow," said Corcoran, and went to see what was the matter with a straggler who had just fallen out of line.

Witherton spent three ruthless days in the saddle, and at the end of them he felt that throwing his leg over a saddle and death had been brought to exactly the same level of hideousness. Then he had two days in which to pore over his books while the toiling engineers cut roads for the artillery. On the morning of the eighth day he commanded the placing of eighteen guns in pits that were masterpieces, and then he sat down to await developments. All that was visible of the opposing army was the distant flicker of heliographs by day and the far-off flicker of search-lights by night.

But early the next morning Witherton received an order that had the effect on his battery of a factory whistle on factory workers. In a few seconds eighteen guns ripped into action, and before the echoes of the first discharges had died away, another battery, and another, and still a third opened, and then the sound of the guns merged into one continuous roar, and the air began to throb with the incessant explosions of more than a hundred field-guns.

Witherton stood a little back of one of his pieces, and looked and listened. He had never seen nor heard so many guns in action at one

time, and the possibilities of such a demonstration impressed him.

"This is immense!" he said to one of his lieutenants, with more enthusiasm than he had ever been known to show.

Little white puffs pricked out against misty hillsides showed the positions of the enemy's guns. Witherton, striding awkwardly from gun to gun, watched the sighting and firing with the eye of a master, and his advice to the gun captains was in the fashion of the waiting classroom at home, and not the field of battle.

"It seems to me, Mr. Trowbridge," he cautioned mildly, "that you're sighting a trifle low. Try thirty-six hundred yards."

And he approvingly watched the next shell burst squarely above the distant crest.

"You really ought to swab out oftener, as I think I may have said, Mr. Mason," he remarked, in the same tone, to a coatless officer who was growing forgetful in the midst of actual fighting.

A shrapnel from one of the enemy's guns burst a hundred yards to the left and a little in front of the battery's position, and its wicked charge went shrieking through the air about them — harmless, but appalling in its possibilities. Witherton jumped like a girl, then looked around quickly to see if he had been observed. He was just too late to catch the amused grin on several faces.

A red sun popped up in the rear of the army, and glinted annoyingly in the faces of the enemy.

"That," quoth Witherton to one of his subalterns, "should reduce the accuracy of their fire at least fifteen per cent, according to De Gallifet."

"It can't stand much reduction, can it, sir?" inquired the subaltern, with a grin.

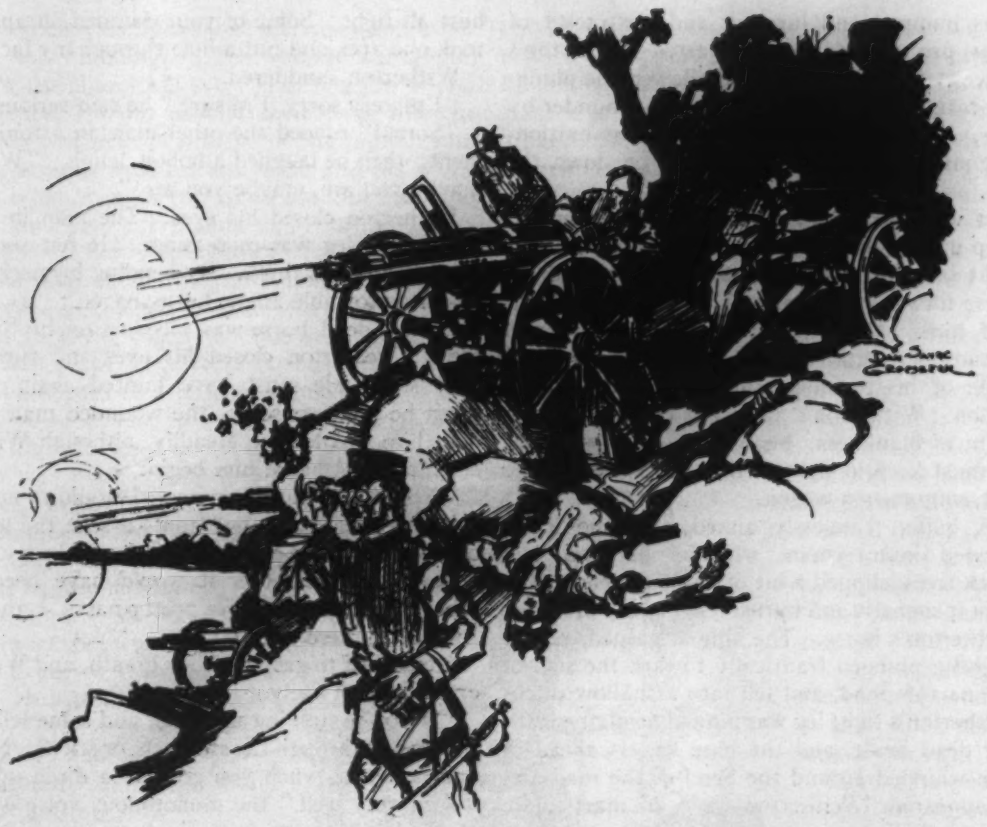
But Witherton had already stridden off toward a gun that was not being served as often as he thought proper. Blinded though they were by the level rays of the early sun, and galled incessantly by well-placed shrapnel, the enemy's gunners began to find the range, and, once they found it, they hung to it tenaciously. Staff officers in the rear watched the progress of the artillery duel with anxious eyes, looked at their watches incessantly, and littered the ground about them with ashes from uneasy cigars.

Witherton did not wince at the second burst of shrapnel, nor did he glance aside when the third charge burst squarely over one of his own guns and stopped its barking until reserve gunners pushed aside the still figures on the ground and went to work. He fairly danced from one gun to another, full of suggestions, pointing a gun here, firing one there, giving a word of caution to one gun crew, an appeal for faster shooting to another. The enemy was deliberately combating his work, his theories that he had proved time and again in neat figures on small square sheets of paper, and it bothered him. Their guns should have been silenced already by the accuracy of his fire, and yet the shell and shrapnel still came whirling from the hostile hill.

Witherton, his binoculars in one hand, and the other settling the restless glasses on the bridge of his lean nose, stumbled over the body of a dead gunner as he hurried back to see how his ammunition was holding out.

"I beg your pardon," he murmured absently, without turning his head, and hurried over the hill.

"'FOR HEAVEN'S SAKE, GIVE ME YOUR CANTEEN!'"



"THEY COULD SEE THE HOSTILE BATTERIES GETTING AWAY AS BEST THEY COULD"

He found the perspiring gunners running up and down the slope, carrying shell and shrapnel with the careless haste of men loading baled hay on a wagon.

"How long will it hold out?" he demanded querulously.

"Half an hour at this rate, Major," a busy lieutenant told him.

Witherton hurried back up the hill, and appeared to assume personal control of the entire battery. They still talk in the army about that half hour of gun fire, at the same time wondering what has become of Witherton. He seemed to impress every gun and every gunner with his own sense of absolute accuracy. Also, he fired his guns faster than the army regulations cautioned — for he knew that the army regulations contained just .0983 per cent of superfluous caution; he had proved it in those same neat figures on the square sheets of paper. And the half hour told. At first the enemy's fire slackened, then it dropped off altogether, and they could see the hostile batteries getting away as best they could under the tremendous rain of metal. A colonel's binoculars picked out four guns that the enemy had been forced to abandon on the hillside.

Witherton stood and mopped his face as he and his gunners watched the eager infantry streaming out from their positions to go through the gap that his shrapnel had cut.

"Bully for you, Witherton!" shouted Corcoran, as he passed at the double.

"Thank you, sir, thank you!" murmured Witherton, ducking his head nervously, with a timid little smile of satisfaction.

"Lord!" sniffed Corcoran, as his men deployed into a scraggy field, "what a figure for a hero!"

An aide appeared at Witherton's side, the general appearing to have lost faith in the field telegraph.

"General Burton's compliments," he said, "and Major Witherton is to occupy the high ground from which he has driven the enemy's guns."

Witherton gave the necessary orders, and jolted down the hill on his uncomfortable horse. The battery never paid much attention to its Major while in motion. He rode where the going was easiest, and he usually managed to get to a desired point as soon as the guns. If he did not, he wigwagged frantic signals to the bugler, who was intelligent.

The engineers appeared to have shirked their work on the last bit of the mountain road. The

guns bumped and lurched, and the racket of their precipitous progress jarred Witherton's nerves. He drew aside, and allowed the plunging teams and their heavy loads to thunder by him. When the last of the reserve ammunition-wagons staggered by, he trotted on down the hill.

It was terribly hard work for the Major to keep up with his battery. Twice he almost lost sight of them, and he was forced to send his horse forward at breakneck speed, which terrified him. More than this, the infantry was already getting into touch with the enemy, and some of his pummeled batteries were still in action. Witherton's mind was confused to the point of blankness; his only thought was that he must keep in sight of the blue wheels of the last ammunition-wagon.

A bullet, carelessly aimed by some hard-pressed infantryman, whistled between two thick trees, clipped a bit of bark just enough to turn it slightly, and buried itself in the breast of Witherton's horse. The animal gasped, reared slightly, plunged frantically toward the side of the narrow road, and fell into a shallow ditch. Witherton's right leg was pinned firmly beneath the dead beast, and the blue wheels ahead of him whipped around the bend in the road and disappeared. Witherton gave an inarticulate gasp and fainted.

When he came to himself, he was conscious of a hand working at his canteen. The roar of battle was still in his ears, but it seemed to be carrying itself away from him. The hand at his side bothered him. He tried to turn and see what it was, but the dead horse pinned him fast. Witherton shuddered slightly.

"What is it?" he asked feebly.

"For heaven's sake," gasped a wheezy voice behind him, "give me your canteen!"

There was a depth of agony in the tone, that stirred Witherton. He fumbled at the strap until he loosened it.

"Where are you?" he asked.

"Reach it over your shoulder," panted the cracked voice. "I guess I can get it."

Witherton followed the direction, and a lean hand came over his shoulder. He noted, with a start, that the sleeve was the red-brown sleeve of the hostile uniform. He heard the wounded man drinking in great gulps, like an animal.

"You ought not to drink so much," cautioned Witherton. "It's bad for you."

"What's the odds?" asked the man, between gulps.

"Are you badly hurt?" asked Witherton solicitously.

"Hurt!" groaned the other. "Oh, yes, I'm hurt all right. Some of your damned shrapnel took one arm, and put a hole through my face."

Witherton shuddered.

"I'm very sorry, I'm sure," he said seriously.

"Sorry!" echoed the other man, in astonishment; then he laughed a hollow laugh. "Well, maybe you are, maybe you are!"

Witherton closed his eyes. The pain in his imprisoned leg was increasing. He felt something wet on his thigh. By bending his neck at an uncomfortable angle, he managed to see his leg. The dead horse was bleeding on his uniform. Witherton closed his eyes and turned very sick. He must have fainted again, for when he grew conscious the wounded man behind him was talking steadily, although Witherton had not heard him begin.

"No," the man was saying, "I wouldn't mind if it had been a rifle-ball and I'd seen the man that sent it. I've got one rifle wound in my leg now. I'd even rather it would have been a saber cut, though they're pretty nasty, I guess. But damn these cannon!"

He paused to gasp a bit for breath, and Witherton listened dully.

"If you're running up a hill, and some fellow shoots you through the stomach, or sticks a bayonet into you when you go over a ditch, why, it's all very well," the monotonous voice went on. "It's man to man, and you have your chance, and if he gets you he gets you, and there's an end of it. But this shrapnel! Some chap on a hill three miles away squints through a glass and pulls a string. You don't see the gun go off, even, and the first thing you know a big black thing comes screechin' through the air, and bursts with a noise like a boiler giving way. Something tears you to pieces, and then a harmless-looking little smoke ring floats away, and there you are. And you don't know where it comes from, or who did it. It ain't right!"

"It doesn't seem just fair," agreed Witherton, who was thinking hard. He estimated the position of his battery, and concluded that one of his own guns had done this thing.

"Fair!" groaned the voice at his shoulder-blade. "I guess it ain't! There I was, creeping along through the bushes, trying to find out whether you'd sent your infantry along yet, and this thing flattens me out. I didn't even see the cursed thing go off; I just heard it. And I hadn't even fired my gun yet," he finished in an injured tone.

"I had no idea—" Witherton began lamely; but the other interrupted him:

"You've got to see those things going off to know how bad they are. There was one of your batteries over there had the range pat. They plumped down their shrapnel just as though

they knew exactly where every man and every gun was standing. I tell you, it was awful! I saw one charge kill every man at a gun — just flattened 'em out around their piece like the spokes of a wheel. And I saw one captain running around with his arm gone and his whole side lying open so you could see into him, and he didn't die for five minutes. And the horses! They kept hitting the gun teams with those things. A man dies pretty quick; but a horse — I don't want to think about it! You ought to see that place up there. It looks like the back yard of a butcher's shop after they've swept out!"

Witherton closed his eyes. This was the thing he had done! The carefully planned discharges of the guns had done something besides make handsome flashes when they burst over the exact spot where he had expected them to fall. He had silenced an enemy's battery! Silencing a battery had been a calculating term to him; it had been like the Q.E.D. at the end of a geometrical theorem. And this thin voice behind his back groaned to him of a shambles that he had made with his own hands. And this was the first big battle of the war! Corcoran had said it would take a long time.

"How many men do you suppose that one battery killed?" he asked apprehensively.

The man did not answer at once, and Witherton repeated his question.

"Lord! I don't know," answered the man. "Five or six hundred, anyway."

Witherton lay silent for a while; then he asked another question. There was no response. He heard a queer, strangling noise behind him.

"What's the matter?" he almost yelled.

The noise behind him ceased, and he heard his own canteen rattle to the ground. The man behind him was dead, and Witherton felt his weight against his own back. He let his head fall back on the ground, and wept.

An hour later a Red Cross surgeon pulled him out from under his horse. For a time his leg refused to support him. The surgeon pounded it, talking cheerfully. Witherton, still dazed, glanced at the dead man behind him. He was a handsome young fellow with a brown, clean-shaven face.

"You're fit as a fiddle, Major," said the chipper surgeon. "If you can find your horse — or another, rather, you can get to your battery in short order."

"'I DON'T WANT TO FIND THEM; I'M SICK!'"

Witherton glanced around him helplessly.

"I don't want to find them," he moaned; "I'm sick!"

The surgeon glanced at him keenly, thinking of internal injuries.

"Where does it hurt you?" he asked sharply.

"Oh, I don't know," replied Witherton. "Everywhere! I can't stand this noise — and the blood makes me sick!"

The surgeon turned on his heel and walked away.

"Yes, sir," said Major Corcoran to the listening group; "that chap went cringing back to the rear, after pulling off the finest bit of artillery work the war produced, and lay under a haystack till the battle was over. Then he got to headquarters and told his story like a man. He wasn't frightened — he was just sick. You can believe me or not, but that fellow never realized that he'd been killing men. He'd been as tickled and enthusiastic as a kid because his shells were acting right — and all the time he didn't know what he was really doing. And when he found out, he just went all to pieces."

"He didn't desert, did he?" asked a listener.

"No," replied Corcoran; "they put him in the Commissary Department. But he quit the army the minute he could."

"And where is he now?"

"Teaching mathematics in some little one-horse college that wanted him before the war," answered Corcoran. "And I hear he's a walloping good math. prof., too."

THE KING AND QUEEN OF ITALY

BY

XAVIER PAOLI

I HAVE always harbored a vagrant spirit under my official frock-coat, and find my pleasure and rest in traveling. Therefore I took advantage of the few weeks' leave of absence allowed me, after the departure of the Russian sovereigns from France, to pay a visit to Italy.

A few days after my arrival at Milan, while strolling, one afternoon, on the Galleria Vittorio Emanuele, that favorite Milanese and cosmopolitan resort, I passed a glove shop, and remembered that I had left my gloves in the railway-carriage. I thought I might as well buy a new pair, and entered the shop.

A customer had gone in before me, a lady, young, tall, and slender, quietly but elegantly dressed in a plain dark traveling-frock. Through the long blue motor-veil that closely shrouded her face I could dimly see her large dark eyes and masses of black hair. The face appeared to be refined and pretty. She was leaning over the counter and trying on gloves which a young shop assistant handed to her.

"They are too large,' she said shyly.

"That is because the signora has so small a hand," replied the young assistant gallantly.

She smiled and did not answer. An elderly lady who was with her gave the youth an indignant and scandalized glance. After patiently allowing the measure to be taken of her hand, open and closed,— it was indeed a very small one,— she found two pairs of gloves that suited, paid for them, and turned to go.

Just then the owner of the shop returned. He looked at the lady, gave a bewildered start, bowed very low, and, as soon as she was gone, shouted to his assistant:

"Have you the least idea whom you have been serving?"

"A very pretty woman — I know that!"

"Idiot! It was the Queen!"

The Queen! It was my turn to feel bewildered. The Queen alone, unprotected, in that arcade full of people! I was on the point of following her, from professional habit, forgetting that I was not at Milan as an official, but as a private tourist. But it was too late, she had already disappeared in the crowd.

Translated by Alexander Teixeira de Mattos.

II

The next evening, I was dining at a friend's house, where the guests belonged, for the most part, to the official and political world. When I related my adventure and expressed my astonishment at having met the sovereign shopping in town, accompanied only by a stern lady-in-waiting —

"Did that surprise you?" I was asked. "It does not surprise us at all. One of our haughty princesses of the House of Savoy said sarcastically that we had gone back to the times when kings mated with shepherdesses. This was merely a disrespectful sally. The truth is that both our King and Queen have very simple tastes, and they like to live as ordinary people in so far as their obligations permit them. Let me give you an instance.

"Whenever they come to Milan,— and they never stay for more than two or three days,— they go to the royal palace; but, instead of living in the state apartments and bringing a large number of servants, they occupy only a few rooms, have their meals sent in from the Ristorante Cova, and order all the dishes brought up at the same time and placed on a sideboard. Then they dismiss the servants, shut the doors, and wait upon themselves."

The King's economy in his personal expenditures is notorious throughout the kingdom. The giving of alms is the one pleasure in which he never stints himself, and it is actually a fact that he moderates his personal expenses in order to give largely to charities. Even his table is affected by his economies, and certain of the Italian noblemen do not scruple to say that they hold against Victor Emmanuel III. the poor quality of his wine cellar. He does not hesitate to serve the ordinary Italian vintages at his dinners, declaring that they are good enough for him and good enough for his guests. I am a Corsican, and we of the sunny countries love pomp and ceremony; therefore I understood the touch of bitterness and regret in the manner in which my friends spoke of their sovereign's simple habits.

Remarks that came to my ears later led me to conclude that the aristocracy, if not the people, disapproved of these democratic tendencies, which were so in contrast with the ways of the old court, of which Queen Margherita had been the soul.

The Dowager Queen Margherita, indeed, represents the very highest development of Italian culture, and both her charm and her wit are full of subtilities that appeal most strongly to highly cultivated minds. During her reign she had attracted to the Quirinal the flower of intellectual and artistic Italy and was the center of an admiring literary circle.

Queen Helena, on the other hand, is a simple woman and comes of a simple people. She is a Montenegrin, and grew up in that rugged and austere country. The simplicity of the Montenegrins is proverbial, as well as their good looks (the Montenegrins are generally admitted to be the handsomest race of men in Europe). At the age of twelve the Princess Helena was sent by her father, Prince Nicholas, to St. Petersburg to pursue her studies. There, in a convent for girls of gentle birth, she was instructed in the melancholy beauties of Slavic literature. When she returned to her own country the Princess Helena enjoyed the independent out-of-door life of Montenegrin women, wholly undisturbed by the demands of etiquette. She divided her time between water-color drawing, in which she excelled, and hunting, in which she showed herself utterly fearless.

The Queen is one of the finest shots in Europe, not only in comparison with her own sex, but as against all comers. In her girlhood she was a great huntress, but she no longer hunts; she now has an unconquerable aversion to killing anything, and, though she still shoots, it is only at clay pigeons or some such mark. It evidences the sympathetic breadth of her nature that this personal distaste for slaughter does not make her intolerant of other people's triumphant "bags." Hunting is one of the King's favorite diversions, and the Queen is proud of his successes.

The Queen saw Italy for the first time in 1895, when her father took her to Venice on the occasion of an exhibition, and it will readily be conceived that she was flurried and a little dazzled by the gaiety of the scene, and by the admiration and attention of the Prince of Naples, whom she met for the first time. When, in the following year, she bade farewell to her craggy mountains and to the proud highlanders, the companions of her childhood, and saw the gay and enthusiastic nation of Italy hastening to welcome her, the twenty-year-old bride, it will be understood that she at first experienced a sense of confusion and shyness.

The shyness, I am told, has never completely worn off. On the other hand, in the absence of more brilliant outward qualities, Queen Helena has displayed admirable domestic virtues; she has been a queen in all that the word implies, in her devotion and goodness to the poor and lowly; and, better than that, she has realized her engrossing duties as wife and mother in a manner that leaves nothing to be desired.

Were this not so, the King, who is quick to take offense, and who is even jealous in his fond-

ness, would have suffered cruelly. A man of domestic habits, who has always avoided society, he wanted a home that in its inner sanctities was as little of a court as possible. He had been brought up in all the stately formalities of the House of Savoy, and it is said that he wearied of them.

When, for love, and against the obvious counsels of worldly wisdom, he insisted on marrying a Montenegrin princess, he made a queen of an essentially home-making woman who has nursed her own children, and who has been known to keep royal functions waiting because the baby must have her attention at the given moment.

The King possesses none of the physical qualities that attract the crowd. He is unimaginative, but remarkably well informed, highly intelligent, and deeply interested in social problems and the exact sciences, and none was readier than he to enjoy the charm of a peaceful home which he had not known during his youth. Touching though the attachment between Queen Margherita and her son was, they nevertheless remained separated by the differences in their character, temperament, and ideas. Whereas Queen Margherita kept all her enthusiasm for art and literature, the Prince of Naples displayed a complete indifference to such matters. When he was only ten years of age, he remarked to his piano teacher, Signora Cerasoli, who vainly struggled to instil the first principles of music into his mind:

"Don't you think that twenty trumpets are more effective than that piano of yours?"

From his earliest youth he showed a marked predilection for military science. He had the soul of a soldier, and submitted without a murmur to the strict discipline imposed upon him by his tutor, Colonel Osio. He is still fond of relating, as one of the pleasantest memories of his life, his impressions when King Humbert first intrusted to him the command of a company of foot, at the annual review of the Roman garrison.

"The excitement interfered so greatly with my power of sight," he says, "that the only people I recognized in the cheering crowd were my dentist and my professor of mathematics."

His keen love of the army became manifest when, as heir apparent, he received the command of the army corps of Naples. Frivolous and light-headed Neapolitan society looked forward to receiving a worldly-minded prince, and rejoiced accordingly; but it soon discovered its mistake. The Prince, scorning pleasure, devoted himself exclusively to his profession, and left his barracks only to go straight back to the Capodimonte Palace, where he spent his spare time in perfecting himself in the study of military tactics.

When the tragedy of Monza called him suddenly to the throne, the manliness of his attitude, the firmness of his character, and the soberness of his mind had a steadying effect upon the uneasy politics of the time. His first proclamation to the Italian people proved him thoroughly acquainted with the needs and aspirations of modern Italy.

"I know," he said to Signor Crispi, a few days after his accession, "I know all the responsibilities of my station, and I would not presume to think that I can remedy the present difficulties alone. But I am convinced that those difficulties all spring from one cause. In Italy there are few citizens who perform their duty strictly; there is too much indolence, too much laxity. Italy is at a serious turning-point in her history. She is corrupt with politics. She must absolutely direct her energies toward the development of her economic resources. Her industries will save her by improving her financial position and employing all the hands at present lying idle in an inactivity that has lasted far too long. I shall practise what I preach by scrupulously following my trade as King, and by encouraging initiative, especially by encouraging the social and economic evolution of the country."

He has kept his promises. His strong will soon became evident. He is thorough and conscientious, and applies to the consideration of every subject the ardor of an insatiable curiosity. He studied the confused conditions of Italian parliamentary life with as much perseverance as the social question. It is possible that, by democratizing the monarchy, he has forestalled popular movements which, in a country so passionate in its opinions and so exuberant in its manifestations as Italy, might have caused irreparable disorders and delayed the progress of the nation.

His vigilant and studious mind sought relaxation from these serious problems, and at times consolation and encouragement, in the intimacy of his home. He resolved that this home should be impenetrable to others, so impenetrable as to exclude the sovereign and *a fortiori* his official "set." The husband and father alone are admitted. This is the secret of that close union which has made people say of the Italian royal couple that they represent the perfect type of a middle-class household that found its way by accident into a king's palace.

I have tried to give a picture of the two sovereigns, from the impressions that I picked up in the course of my trip to Italy. Their visit to

Paris was destined to confirm its accuracy and to complete its details.

III

I little thought, on that afternoon when I caught a glimpse of Queen Helena in a Milan glove shop, that, two years later, I should have the honor of attending both Her Majesty and the King during their journey to France. It was their first state visit to Paris, and our government attached considerable importance to this event, which accentuated the friendly relations between the two nations. Prince von Bülow, at that time Chancellor of the German Empire, spoke of the situation, none too good-humoredly, as Italy's "little waltz" with France.

The letter of appointment, which I received in the beginning of October, 1903, directed me to go at once to await our guests at the Italian frontier and bring them safely to Paris. It was a cold, wet night when the royal train steamed out of the Mont Cenis tunnel and pulled up at the platform of the frontier station of Modane, where I had been pacing up and down for over an hour. My curiosity was stimulated by the recollection of the episode in the Galleria Vittorio Emanuele at Milan. Amused by the chance that was about to bring me face to face with "the lady of the gloves," I longed to know whether my first impressions were correct, and whether the features, which I had conjectured rather than perceived behind the blue veil, were really those of the Queen.

The blinds of the eight royal railway-carriages were lowered; not a sign betrayed the presence of living beings in the silent train.

After a long moment a carriage door opened, and a giant in a long pale-gray cavalry cloak and a blue forage-cap braided with scarlet piping and adorned with a gold tassel, stepped out softly, and, making straight for me, said:

"Hush! They are asleep."

It was two o'clock in the morning. The first official reception had been arranged to take place at Dijon, where we were due to arrive at nine o'clock. I took my seat in the train, and we started. Not everybody was asleep. In the last carriage, which was reserved for the servants, a number of maids, wrapped in those beautiful red shawls that one sees on the quays at Naples, were chattering in Italian with the greatest animation. The musical and expressive language called up in my old Corsican heart memories of my childhood.

It was broad daylight, and we were nearing Dijon, when Count Guicciardini, the King's Master of the Horse, came to take me to the sovereigns to be presented.

Grave black eyes, proud and gentle; a forehead framed in a wealth of dark hair; beautiful and delicate features; a smile that brought little dimples on either side of the mouth; a tall, slight figure — I at once recognized the lady of Milan in the charming sovereign, stately and shy, who came toward me. It was the same little white hand that had tried on the gloves that she extended toward me. Should I recall the incident of the gloves? I had it on my lips to do so — I was afraid of appearing ridiculous. Of course, she did not remember. I said nothing.

"Delighted, M. Paoli, delighted to know you!" exclaimed the King, fixing me with his piercing eyes and shaking my hand vigorously.

"Sir ——"

"But, stay. Paoli is an Italian name!"

"Very nearly, sir; I am a Corsican."

"A fellow countryman of Napoleon's, then? I congratulate you!"

Our conversation, that morning, was limited to these few words. From Dijon onward the journey assumed an official character, and I lost sight of the King and Queen in the crowd of glittering uniforms. However, a few minutes before our arrival at Paris, I saw them both standing by a window — the Queen in an exquisite costume of pale-gray velvet and silk, the King in the uniform of an Italian general, with the broad ribbon of the Legion of Honor across his chest. While watching the landscape, they seemed to be talking affectionately.

Meanwhile, a sedate footman entered and placed upon a table, behind the sovereigns, an extraordinary object that attracted my attention. It looked like an enormous bird buried in its feathers. I went closer, and then saw that it was a helmet, covered with feathers of fabulous dimensions. I was not the only one to be astonished at the imposing proportions of this head-dress. Whenever the King donned it while in Paris, it met with a huge success; it towered above the crowds, the livery servants' cockades, the soldiers' bayonets: it became the target of every kodak.

From the first day, they showed themselves full of pretty thoughts and generous impulses. At one time, the Queen took a rose from the bouquet of roses de France that she was carrying, and gave it to a little girl who had thrust herself close to the carriage. The King, on another occasion, walked straight to the colors of the battalion of Zouaves who were presenting arms in the courtyard of the Foreign Office, and raised to his lips the folds of the standard, on which were inscribed two names dear to Italian hearts and French memories alike: Magenta and Solferino.

The Foreign Office was turned into a "royal palace" for the occasion of this visit. The government had the apartments on the first floor, which the King and Queen of Italy were to occupy, decorated in the most sumptuous style, and Mme. Delcassé, the wife of the Foreign Minister, did her best to relieve the somewhat cold and solemn appearance of the rooms. With this object, she procured photographs of the little Princesses Yolanda and Mafalda, and placed them in handsome frames on the Queen's dressing-table. The Queen was greatly touched by the delicate attention. On entering the room, she uttered an exclamation that betrayed all a mother's fondness:

"Oh, the children! How delightful!"

"The children!" How often those words returned to her lips during her stay in Paris! She spoke of them incessantly to everybody — to Mme. Loubet, to Mme. Delcassé, to the Italian ambassadress, even to the two French waiting-maids attached to her service.

"Yolanda, the elder, with her black hair and black eyes, is like me," she would explain. "Mafalda, on the other hand, is the image of her father. They both have such good little hearts!"

Her maternal anxiety was also manifested by the impatience with which she used to wait for news of the princesses. Every evening, when she returned to the Foreign Office after a day of drives and visits in different parts of Paris, her first words were:

"My telegram?"

And, a little nervously, she would open the telegram that was despatched to her daily from San Rossare, where "the children" were, and greedily read the bulletin of reassuring news that it contained.

On the morning after her arrival, she rang for a maid as soon as she awakened.

"I have an old friend in Paris," she said, "whom I want to see. It is my old French teacher, Mlle. E——. She lives on the Quay Voltaire; please have her sent for."

An attaché of the office hastened off at once, and in half an hour returned triumphantly with Mlle. E——, a charming old lady, who had once been governess to Princess Helena of Montenegro at Cettinje. She had not seen her for ten years, and the reader can imagine her surprise and confusion. Teacher and pupil threw themselves into each other's arms; and when Mlle. E—— persisted in addressing the Queen as "Your Majesty," the latter interrupted her and said:

"Why 'Your Majesty'? Call me Helena, as in the old days."

The authorities, conforming to royal usage, had considered it the proper thing to prepare two distinct suites of rooms, one for the King and one for the Queen, separated by an enormous drawing-room. Great was our surprise when, on the following morning, the rumor ran through the Foreign Office that the King's bedroom had remained untenanted. Had he found it uncomfortable? Did he not like the room? Every one began to be anxious, and it was felt that the mystery must be cleared up. I therefore went to one of the officers of the royal suite, took him aside, and, while talking of "other things," tried to question him as to the King's impressions.

"Is His Majesty pleased with his apartments?"

"Delighted."

"Was there anything wrong with the heating arrangements? Or perhaps the King does not care for the bed provided for His Majesty's use?"

"On the contrary, I believe His Majesty thought everything perfect."

Alas! I felt that my hints were misunderstood. I must needs speak more directly. Without further circumlocution, I said:

"The fact is, it appears that the King did not deign to occupy his apartments."

The officer looked at me and smiled.

"But the King never leaves the Queen!" he exclaimed. "With us, married couples seldom have separate rooms, unless they are on bad terms. And that is not the case here!"

They were never parted, in fact, except at early breakfast. The King was accustomed to take *café au lait*, the Queen chocolate. The first was served in the small sitting-room, where the King, already dressed in his general's uniform, went through his letters; the second in the boudoir, where the Queen, in a pink surah dressing-gown trimmed with lace, devoted two hours, every morning, to her correspondence, or to the very feminine pleasure of trying on frocks and hats.

Twice again I had the honor of seeing the Queen shopping, as on the former celebrated occasion; but this time I accompanied her in the course of my professional duties. She bought no gloves on these excursions, but made purchases of linen, jewels, numerous knick-knacks, and toys; and one would have thought she was buying those china dolls, with their tiny sets of tea-things, for herself, so great was the childlike joy that she showed in selecting them.

"This is for Yolanda, this for Mafalda," she would say, pointing out the objects to be placed at one side.

I saw her grave and thoughtful for the first

THE KING AND QUEEN ON HORSEBACK. IN HER GIRLHOOD THE QUEEN WAS A GREAT HUNTRESS AND ONE OF THE FINEST SHOTS IN EUROPE. SHE NEVER SHOOTS NOW, EXCEPT AT CLAY PIGEONS, FOR SHE HAS AN UNCONQUERABLE AVERSION TO KILLING ANYTHING. THE KING STILL SHOOTS, BUT THE DIVERSION HE LIKES MOST IS COLLECTING RARE COINS

time in the Palace at Versailles, which she and the King visited in the company of M. and Mme. Loubet. I think that she must have retained a delightful remembrance of this excursion to the palace of our kings — an excursion that left a lively impression on my mind. It seemed as if Nature herself had conspired to accentuate the charm of Versailles. The ancestral park was shrouded in the soft haze of the expiring autumn; the somber tops of the trees were crowned with a few belated leaves of golden brown; the distances were mauve, like lilacs in April; and the breeze that blew from the west scattered the water of the fountains and blew it into feathery tufts of vapor.

The sovereigns, escorted by the distinguished keeper of the palace, M. de Noblac, first visited the state apartments, stopping for some time before the portraits of the princes and princesses of the House of France. And in those great rooms, filled with so many precious memories, Queen Helena listened silently and eagerly to the keeper's explanations. She lingered, more particularly, in the private apartments of Marie Antoinette, where the most trifling objects excited her curiosity. Obviously, her imagination as a woman and a queen took pleasure in brooding upon this feminine and royal past. Sometimes, when the overpowering memory of some tragic episode weighed too heavily upon our silent thoughts, she pressed timidly against the King, as a little girl might do. And once we heard her whisper:

"Ah, if things could speak!"

IV

And the King? The King, while appreciating the archaeological beauties and the imperishable evidences of our history that we showed him, did not share the Queen's enthusiasm for our artistic treasures. In coming to Paris, he had looked forward to two chief pleasures: seeing our soldiers, and visiting the Musée Monétaire, or collection of coins, at the national Mint.

As is well known, Victor Emmanuel is considered, and rightly so, an exceedingly clever numismatist. He is very proud of his title as honorary president of the Italian Numismatical Society, and in 1897 undertook the task of drawing up a catalogue of the authentic old coinages of Italy. He derived the necessary materials for his work from his own collection, which at that time consisted of about forty thousand pieces. Now, of the two hundred and sixty types of Italian coinage known, barely half are absolutely genuine, and the task that he had to perform in bringing them together, completing them, and authenticating them was no light one.

A rather interesting story is told of the manner in which the King, while still little more than a child, acquired a taste for the science of numismatics. One day he received a solda bearing the head of Pope Pius IX. A little later, finding another, he added it to the first; and in this way he collected fifteen. Meanwhile, his father, King Humbert, presented him with about sixty pieces of old copper money; and thus was formed the nucleus of his collection.

Thenceforward, on every anniversary — his birthday, Christmas, Easter — the different members of the royal family, who used to chaff him about his new passion, gave him coins or medals; he made important purchases, on his own account; and finally, in 1900, he doubled

HELENA, QUEEN OF ITALY

BEFORE HER MARRIAGE THE QUEEN WAS A MONTENEGRIN PRINCESS OF SIMPLE TASTES AND HABITS, LIVING A FREE, OUT-OF-DOOR LIFE AMONG THE MOUNTAINS. THE KING MET AND FELL IN LOVE WITH HER ON HER FIRST VISIT TO VENICE AT THE AGE OF NINETEEN. HIS MARRIAGE WAS REGARDED AS A MÉSALLIANCE BY HIS FAMILY

PRINCESS YOLANDA, THE ELDEST CHILD OF THE ROYAL FAMILY, WHOSE RESEMBLANCE TO THE QUEEN IS SAID TO BE REMARKABLE; FROM A SNAP SHOT TAKEN BY HER MOTHER

the dimensions of his collection at one stroke by buying the inestimable treasure of coins belonging to the Marchese Marignoli, which was on the point of being dispersed to the four corners of the earth.

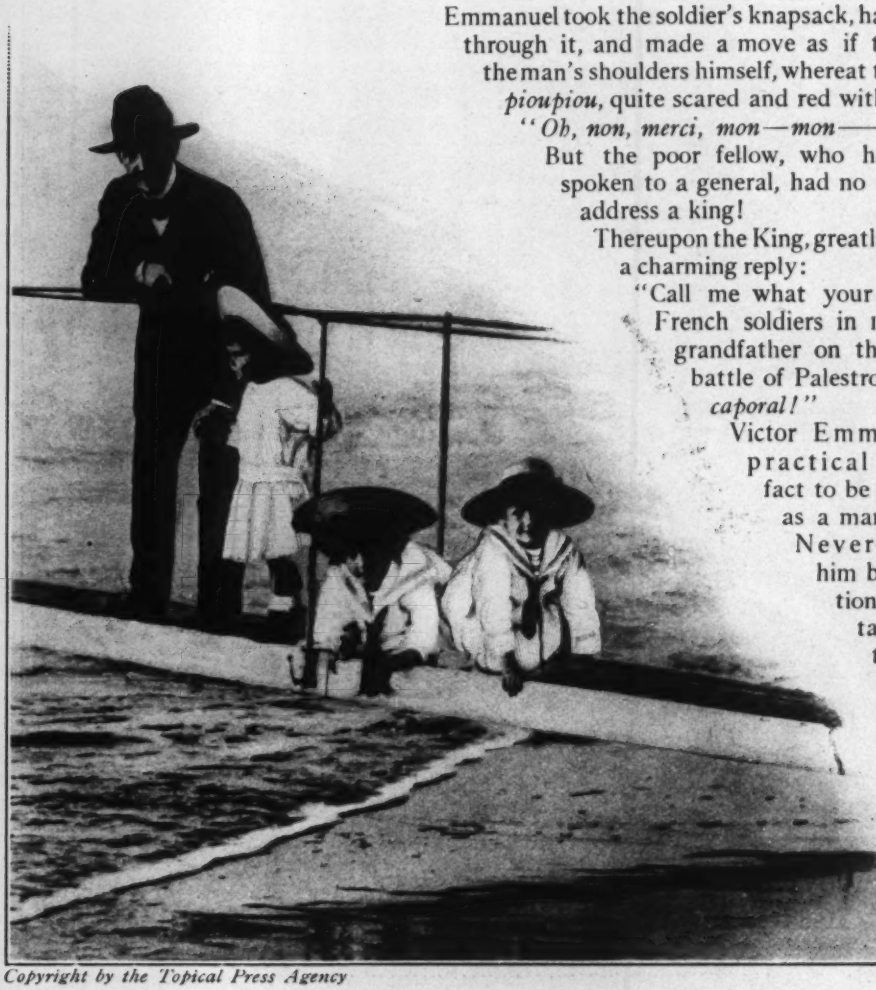
He admits, nevertheless, that the piece that represents the highest value, in his eyes, is a gold Montenegrin coin struck in the early days of the Petrovich dynasty, presented to him by Princess Helena of Montenegro at the time of their betrothal. This coin is so rare that only one other specimen is known to exist, and that is in the numismatical gallery at Vienna.

The King has enriched his collection lately with an exceedingly rare series of coins of the Avignon popes. They were sold at auction in Frankfort, and a spirited contest took place between buyers acting, respectively, on behalf of King Victor Emmanuel, the Pope, and the director of the French gallery of medals.

So it was with a very special interest that he visited our Mint, with its collection famed throughout Europe. The director, knowing that the King was a connoisseur, had taken a great deal of trouble; in fact, I believe that he intended to "stagger" the King with his erudition. But he reckoned without his host, or rather his guest; for, instead of the expert dazzling the King, it was the King who astonished the expert. He surprised him to such good purpose, with the accuracy and extent of his information on the subject of coins, that the learned director had to acknowledge himself beaten.

"We are school-boys beside Your Majesty," he confessed in all humility. And this was something more than a courtier's phrase.

The King, as I have said, takes a keen interest in military matters. He displayed it on the occasion of the review of the Paris garrison. Even as he had appeared bored at the concert at the Elysée Palace on the previous evening, so now he



Emmanuel took the soldier's knapsack, handled it, looked through it, and made a move as if to buckle it on the man's shoulders himself, whereat the worthy little *pioupiou*, quite scared and red with dismay, cried:

"*Oh, non, merci, mon—mon——*"

But the poor fellow, who had never even spoken to a general, had no notion how to address a king!

Thereupon the King, greatly amused, made a charming reply:

"Call me what your forebears, the French soldiers in 1859, called my grandfather on the night of the battle of Palestro; call me *mon caporal!*"

Victor Emmanuel is too practical and matter-of-fact to be what is known as a man of sentiment. Nevertheless, I saw him betray real emotion when he was taken to visit the tomb of Napoleon I. The tomb was surrounded by six old

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THE KING OF ITALY AND HIS CHILDREN ON THE SANDS AT SAN ROSSARE. THE KING, WHO IS DEVOTED TO HIS FAMILY, IS NEVER HAPPIER THAN WHEN SPENDING A QUIET DAY WITH HIS CHILDREN

seemed to enjoy the impressive spectacle that we were able to offer him on the drill-ground at Vincennes.

He wished to ride along the front of the troops on horseback, and for this purpose had brought with him from Italy his own saddle, a very handsome, richly caparisoned military saddle. The Governor of Paris lent him a mount, and the King proved himself a first-rate horseman; for the animal, unnerved at having to carry a harness heavier than that to which it was accustomed, displayed ill temper, regardless of the august rank of its rider. It was the worst day's work that horse ever did in its life, and it was forced to recognize that it had found a master.

After making a thorough inspection of the troops, the King expressed a desire to examine the outfit of one of the soldiers, and a private was ordered to fall out of the ranks. Victor

pensioners carrying lighted torches. There were few people there. The fitful flames of the torches cast their fantastic gleams upon the imperial sarcophagus, and the invisible presence of the Great Conqueror hovered over us. It seemed as if he would suddenly rise bodily out of that coffin of marble, dressed in his gray overcoat and his immemorial hat.

During a long silence, the King stood and dreamed, with bowed head. When we left the chapel, he was still dreaming.

I had another striking picture of Victor Emmanuel III. during the day's shooting with which M. Loubet provided him in the preserves at Rambouillet. The King, whose love of sport equals his passion for numismatics, is a first-rate shot. He aims at a great height, is careful of his cartridges, and rarely misses a bird. According to custom, at Rambouillet he was followed by a keeper carrying a second gun, loaded, of course.

Now, it happened that the King, seeing a flock of pheasants, began by discharging both barrels and bringing down a brace of birds. He then took the other gun, which the keeper held ready for him, put it to his shoulder, and pulled the trigger. Both shots missed fire. The keeper had forgotten to load the gun! Picture the rage of the sovereign. Disconsolate at losing his pheasants, he began to rate the culprit harshly. The unfortunate keeper, feeling more dead than alive, and not knowing what excuse to make, looked upon his place as virtually lost.

PRINCE UMBERTO, HEIR APPARENT TO THE THRONE; FROM A PHOTOGRAPH TAKEN BY THE QUEEN

But the King, perhaps guessing at the man's fears, abruptly changed his tone.

"Never mind," he said. "There's no forgiving you, but I shall not say anything about it."

Among the many attentions that we paid our guests during their brief stay in Paris, one surprise prepared for them was, if I am not mistaken, more acceptable to them, especially to the Queen, than any other. This consisted in the recital before Their Majesties, by our great actress, Mme. Bartet, of the Comédie Française, of an unpublished poem from the pen of the Queen herself. Helena of Montenegro in her leisure hours, in fact, had been a poet. When she was engaged to be married, she wrote a poem in Russian, which she sent to a St. Petersburg magazine under the pseudonym of "Blue Butterfly," and the magazine printed it without knowing who the author was. It was written in rhythmical prose; and I was so fortunate as to procure a copy of the translation.

"VISION

"The mother said to her daughter:

"'Wouldst know how the world is made? Open thine eyes.'

"And the little maid opened her eyes. She saw lordly and towering mountains, she saw valleys full of delight, she saw the sun which shines upon and gilds all things, she saw twinkling stars and the deep billows of the sea, she saw torrents with foaming waters and flowers with

THE ITALIAN ROYAL CHILDREN READY FOR PLAY
PRINCESS YOLANDA, AGED NINE, PRINCESS MAFALDA, AGED SEVEN, PRINCE UMBERTO, AGED SIX, AND PRINCESS GIOVANNA, THE BABY

THE CROWN PRINCE AND HIS THREE SISTERS. THE QUEEN, WHO IS A DEVOTED MOTHER, HAS A TELEGRAM REPORTING THE CHILDREN'S HEALTH SENT TO HER EVERY DAY WHEN SHE IS TRAVELING

varied perfumes, she saw light-winged birds and the golden sheaves of the harvest. Then she closed her eyes.

"And then she saw, she saw the fairest thing upon this earth: the image of the beloved who filled her heart, the image of the beloved who shone within her soul, the image of the beloved who gave his love in return for the love that was hers."

This charming fragment had been recovered by a collector of royal poetry some time before the visit of the Italian sovereigns. M. André Rivoire, one of our finest poets, transposed it into French verse, and M. Loubet caused it to be recited to our hosts in the course of a reception given in their honor at the Élysée Palace.

V

The unpretending affability of the royal couple was bound to win the affections of the French people. Each day the increasingly enthusiastic cheers that greeted them in their drives through Paris proved that they had conquered all hearts.

"It is astonishing," said an Italian official to me, "but they are even more popular here than at home!"

"That must be because they show themselves more," I replied.

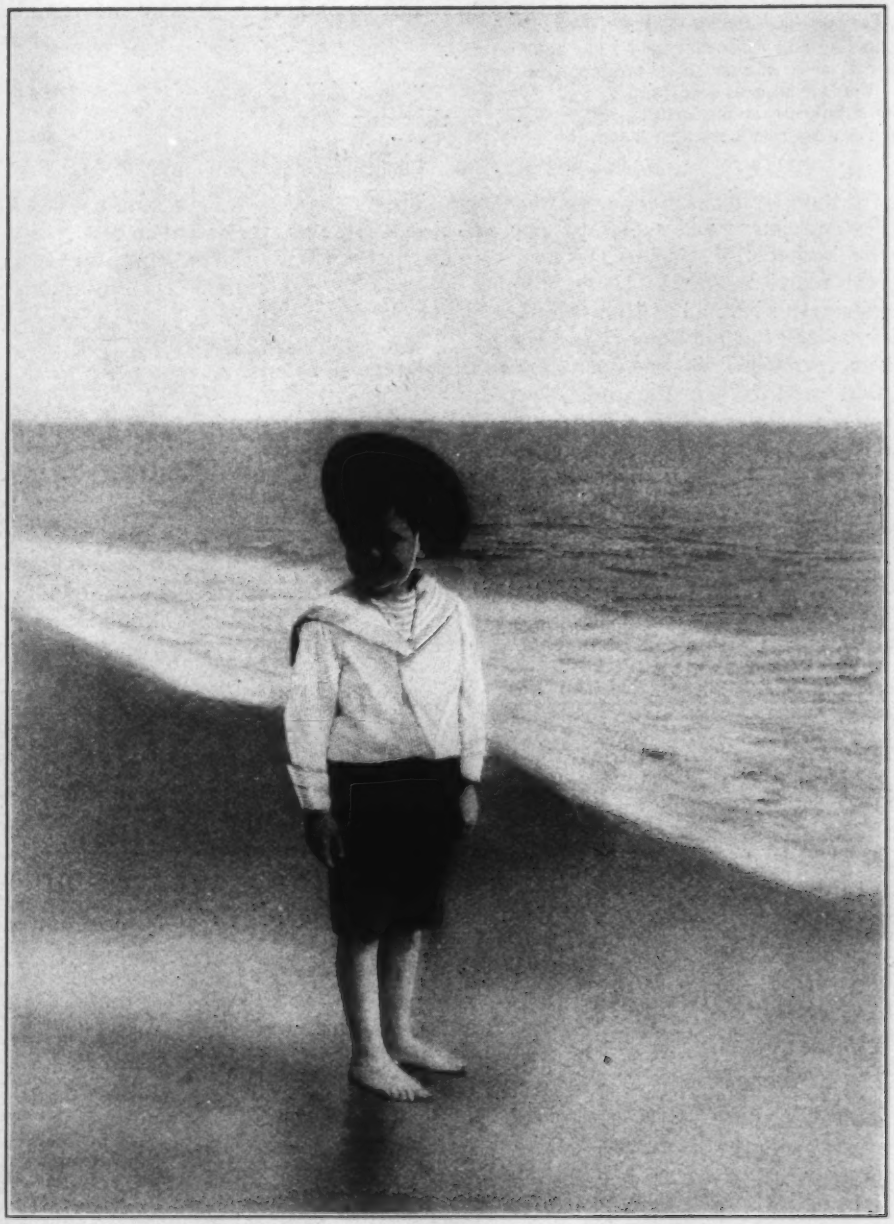
At the risk of disappointing the reader, I am bound to confess that no tragic or even unpleasant incident occurred to spoil the pleasure of the sovereigns or their peace of mind. It appeared that the anarchist gentry were allowing themselves a little holiday.

In the absence of the traditional plot, we had, it is true, the inevitable shower of anonymous letters, and even some that were signed. The Queen, alas! had done much to encourage epistolary mendicants by announcing her wish that replies should be sent to all letters asking for assistance, and that in every possible case satisfaction should be given to the writers. The result was that poverty-stricken Italians, with whom Paris teems, gave themselves free scope; and the usual fraternity of French begging letter writers — those who had so artlessly striven to excite the compassion of the Shah of Persia — also tried what they could do.

But what reply was it possible to send to such letters (I have kept a few specimens) as the following?

To Her Majesty the Queen of Italy.

Madam: We are a young married couple, honest but poor. We were unable to have a honeymoon, for



ANOTHER PHOTOGRAPH OF THE LITTLE HEIR APPARENT; FROM A SNAP SHOT TAKEN BY HIS MOTHER

lack of money. It would be our dream to go to Italy, which is said to be the land of lovers. We thought that Your Majesty, loving your husband as you do, and therefore knowing what love means, might consent to help us to make this little journey. We should want five hundred francs; we entreat Your Majesty to lend it to us. When my husband has a better situation — he is at present an assistant in a curiosity shop — he will not fail to repay Your Majesty the money.

Pray accept the thanks, Madam, of

Your Majesty's respectful and grateful servant,

MARIE G——.

To His Majesty the King of Italy.

Sir: I am a young painter, full of ambition, and said to be not devoid of talent. I am very anxious to see Rome and to study its artistic masterpieces. Not possessing the necessary means, I am writing to ask if you would not give me an employment of any kind, even in the service of the royal motor-cars (for I know how to drive a motor), so that I may be enabled, in my spare time, to visit the monuments and picture-galleries and to perfect myself in my art.

Pray accept, etc.,

LOUIS S——.

Here is a letter of another description:

To Her Majesty Queen Helena.

Madam: You are the mother of two pretty babies. For this reason, I have the honor of sending you here-

with two boxes of lacteal farinaceous food, of my own invention, for infants of tender years. It is a wonderful strengthening and tonic diet, and I feel that I am doing Your Majesty a service in sending you these samples. You are sure to order more.

In the hope of receiving these orders, I am,
Your Majesty's respectful servant,
Dr. F. J——.

These few specimens will suffice to give an idea of the harmless and sometimes comical epistles that found their way every morning into the royal letter-bag. But I must not omit to mention, among the humorous incidents that marked the sovereigns' journey, an amusing mistake that occurred on the day of their arrival in Paris.

It was about half-past six in the evening. Our royal guests had at that moment left the Foreign Office to pay their first official visit to the President of the Republic, when a cab stopped outside the strictly guarded gate. An old gentleman, very tall, with a long white beard, and very simply dressed, alighted, and was about to walk in with a confident step.

Three policemen rushed to prevent him.

"Stop!" they cried. "No one is allowed in here."

"Oh!" said the stranger. "But I want to see the King of Italy."

"And who may you be?"

"The King of the Belgians."

They refused to believe him. When he persisted, however, they went in search of an official, who came, and at once proffered the most abject apologies. Picture the faces of the policemen!

The King and Queen of Italy stayed only three days in Paris.

"We shall come back again," the Queen promised, as, radiant at the reception which she had been given, she stepped into the train.

They have not returned. True, they passed through France the following year, on their way to England. I made the journey with them. But, as on their first arrival at Modane, the blinds of their carriage were lowered. They remained down throughout the journey. Were the royal pair asleep? I never learned.

A RECENT SNAP SHOT OF THE KING AND QUEEN OF ITALY, TAKEN WHILE THEY WERE DRIVING
IT IS SAID OF THIS ROYAL COUPLE THAT THEY REPRESENT THE PERFECT TYPE OF A MIDDLE-CLASS HOUSEHOLD THAT FOUND ITS WAY BY ACCIDENT INTO A KING'S PALACE. THEY OFTEN DISMISS THE SERVANTS AND WAIT UPON THEMSELVES AT MEAL-TIMES

[M. XAVIER PAOLI WILL CONTINUE HIS REMINISCENCES OF THE KINGS AND QUEENS OF EUROPE IN THE AUGUST McCLURE'S, WITH AN ARTICLE ON KING GEORGE OF GREECE]

JUSTICE WHILE YOU WAIT

BY

OWEN OLIVER

ILLUSTRATIONS BY MAYNARD DIXON

UMPH! You think the law's slow, do you? So it is. So it ought to be!

No, I don't say that just because I'm a lawyer. I'm a man first and a solicitor afterward. I sympathize with your desire to settle the matter out of hand; but I don't believe in "justice while you wait," as you put it. I've heard that phrase once before, and I never want to hear it again. Sit down and I'll tell you. Don't be nervous. I sha'n't charge it on the bill.

It happened thirty years ago, when I was a young man of six-and-twenty. *I* didn't wait for things, in those days. I was sitting at my desk — this very desk — one morning, when I heard that my young brother was ill at the diggings and wanted to come home. I sailed that very afternoon. Three weeks to the day — conveyance was slower then — I was astride a horse, in a strange country, within a few hours' ride of my brother.

I wasn't quite sure of my way, so I rode up to a sign-post that stood near a clump of trees. It was made of three strips of wood nailed in a triangle round a tree-trunk. The names had been tarred on it, but the rains had washed a good bit of them off. While I was puzzling out the remainder, half a dozen men rode out from the trees — rough-looking chaps whom I took to be cowboys — a name that I had learned only a day or two before.

"Hands up!" they shouted, and six revolvers were pointed at me.

I held up my hands, and they seized them and tied them behind my back.

"What are you going to do?" I asked.

"Darned Britisher!" cried one, as soon as I spoke. He was a stout, jovial villain with a gingery beard. They called him Yellow Sam.

"Take you to a *con*-venient tree," said a huge fellow with a squint, "and string you up!"

"Trees enough here," suggested a little ferret-faced fellow to whom I took a particular dislike.

"'Tain't fair to do the boys out of their fun," objected a drunken desperado who reeled in his saddle. "Things are dull enough nowadays."

"Them as hunt have the skins," another growled.

"He's going to the camp," said a thin, very American-faced fellow who seemed to be the leader. "That's the committee's rule, and I'm not taking a hand against *them*."

"Nor I," said Yellow Sam. "Seen the old Colonel pip an ace at twenty yards, five times out of six; and Broken Bill ain't much worse with his shooter. 'Tain't go as you please since we elected that committee."

"More fool you to have a Vigilance Committee," the ferret-faced man remarked. "We didn't waste time over committees at Troy Town. Caught a skunk and settled a skunk, and settled him *as* you pleased. That was *our* way."

"Or passed him on to another camp," suggested Yellow Sam sarcastically. "And when he came to Rome he had to do as Rome does, not Troy. Come along, sons. You're keeping the gentleman waiting!"

They started off at a canter, driving my horse between them.

"But what have I done?" I inquired, as I jolted along.

"Taken a ticket for eternity, sonny," said the drunken man.

"But—" I began.

"Don't waste breath," the thin man interrupted. "You've got about ten minutes. If you've any special messages to send, think them over. We'll pass on your money or anything of that kind. We're not thieves, see! And we'll make up a little note to say that you met with an accident, which was much regretted, you being popular and respected. We don't need to hurt people's feelings."

"But why are you going to kill me?" I persisted.

"It's our way with thieves," he said.

"I'm not a thief!" I declared. But they all laughed; and when I repeated the statement, they laughed again.

"You're riding a stolen horse," one told me, "and that's good enough for us."

I tried to explain; but they whipped up the horses to a gallop, and all the breath was jolted out of me. You've no idea how a horse jolts when your hands are tied, and you've enough to do to keep your balance.

We soon reached a collection of log huts. "Rome" was set out on a plot of ground in front of the huts, in letters made up of large white stones, and the name was also painted on the door of the post-office. I learned afterward that the place was called "Rome Rendez-vous," and was the resort of those who found the more respectable settlements too hot for them. A large hut in the center was evidently the store and bar. My captain whooped and yelled, and about forty men trooped out, headed by a sharp-faced old man with white hair and a pointed white beard. They called him "Colonel" and treated him with a good deal of rough respect. He looked at me with a kind of fierce benevolence, and patted my horse gently.

"This is a sad business," he remarked, "—a very sad business." He shook his head.

"Caught the possum napping," the thin man explained; "not three miles from here, too!"

"Not three miles!" said the Colonel. He looked at me admiringly. "I like nerve — always did! But you can have too much of a good thing, stranger. Too much nerve spells ruin! *Still*, I admire it. . . . Hi, Jim! Bring out a cocktail, and charge it to me. Just a little tribute to nerve, sonny!" He patted the horse again. "You took him within three miles, eh?"

"By the sign," said the thin man. "Tried to bluff us, too. Rode up and pretended to be puzzling it out, as if he hadn't seen us, and looked as innocent as a baby! Quite surprised when we took him. Couldn't make out what he'd done to be treated in this harsh manner!"

The crowd roared with amusement.

"I *don't* know!" I shouted.

"Well," said the Colonel mildly, "you'll soon know more than we do!"

He nodded toward a man who had brought out a new rope and was making a noose at one end of it. He seemed to be familiar with the operation.

"Surely," I expostulated, "you're not going to kill an innocent man in cold blood and without hearing him?"

"Listen to him!" cried Yellow Sam; and they roared as if I had said something funny.

A man in his shirt-sleeves brought out a cocktail and held it up for me to drink. I swallowed it, though it half choked me. I saw a man standing on a ladder to adjust the rope over a branch of a tree.

"Well, boys?" the Colonel asked. "Any one got anything to say before we get to business?"

A big man with a broken nose stepped forward — an ungainly, broken-down man.

"There ain't been no trial, Colonel," he objected.

"What's the good of a trial when he's caught with the horse?" expostulated the ferret-faced man. "When I was at Troy Camp——"

"'BUT I DON'T KNOW AS HE DOES, AND SEEMS TO ME HE DON'T'"

The broken-nosed man held up one hand. The other hand fingered his revolver affectionately.

"If you was at Troy Camp," he said gently, "where there isn't no law against shooting *as* you please, you wouldn't dare so much as to breathe near me!"

"Good old Broken Bill!" some one shouted.

"And *if* you like to ride over to Troy Camp with me," said Broken Bill, "you can; and the one that comes back won't be asked no questions."

"Never mind about Troy Camp," the Colonel said. "That ain't the point. The question is, do we want a trial, or don't we?"

"'Tain't a question of wanting," Broken Bill objected. "It's a question of law and order. If you make rules and regulations you've got to stick to them. That's what *I* say."

"Vote for old Broken Bill and law and order!" the drunken man shouted boisterously.

"Well," said the Colonel, "there's law, and there's sense. Seems to me you can put the case in a nut-shell, *and* it don't need to be a cokernut! Here's a stranger. Here's Jim Sands' horse. Here's a rope, noose at the end, fixed up *con*-venient. That's sense, Bill, ain't it?"

"You can't have sense and law too," Bill growled. "*And* you elected to have law; *and*

you elected a Vigilance Committee, *and* a president"— he bowed to the Colonel, who returned his salute gravely—"*and* officers." He bowed round him, and the individuals concerned returned the compliment punctiliously. "*And* you wrote it up on paper over the slate in the bar. 'Nobody's to be put out without a fair trial'— that's what it says. You can't keep up respect for law if you make a laughing-stock of it just because there's no sense in it — or because there is, either!"

"Well," the Colonel admitted, "there's reason in old Bill's argument. We said we'd have a trial, and a trial we'll have. But this gentleman's a good sport, I can see. I make no doubt he'll save waste of time and plead guilty; and even old Bill won't want to argue any more about it then, eh, Bill?"

"Not if he pleads guilty," Broken Bill agreed. "But I don't know as he does, and seems to me he don't." He frowned at me as if to say, "Now's your chance."

"I am not guilty," I said. "I bought the horse. I did not know that it was stolen. I ——"

"Wait, wait!" cried the Colonel. "If there's got to be a trial, we'll have everything in order. Hi, boys! Leave that bit of string for a minute and come over here. There's going to be a trial."

"What's the good of a trial?" several grumbled.

"No good," said the Colonel. "But we've laid down that we'd try every one fair before we did justice on him, and it don't take long, and passes the time, and pleases old Bill!"

"Good old Broken Bill!" some one shouted; and they jostled each other into the store.

They took me in, still bound, and sat me on a packing-case. The men stood or squatted in a ring round me. The Colonel sat opposite to me in a damaged arm-chair, and directed the proceedings.

"You're first, Jim," he said. "Is it your horse?"

A quiet little man stood up and said yes.

"Anything else to say?" the Colonel asked, and the little man said no.

"You all know that this gentleman was caught with it," the Colonel went on. "I take it no one wants evidence as to that?" He looked about him, and nobody objected. "Then that's the case for the prosecution," he pronounced.

"I've got questions to ask," Broken Bill interposed.

"You can ask them afterwards," the Colonel ruled, "if you aren't satisfied when you've heard the defense."

He turned to me.

"Let's have it as short as is *con*-venient to you," he commanded. "Who are you, where do you come from, how did you come by the horse, and any other reason why the law shouldn't take its course."

"My name is George Raikes," I said. "I am a solicitor ——"

"Here!" cried the Colonel. "You've no cause to say anything against yourself. We're a fair court, and I suggest that you leave your profession out."

"That's fair," said Broken Bill, who seemed to have appointed himself as my counsel; and I resumed my defense.

"I live in London. I came out by the *Scotsman* three weeks ago. My brother is at Stanley Diggings. I heard that he was ill and destitute ——"

"What's that?" a dirty, bloated man asked.

"Stone-broke," the Colonel explained. "The jury need not expose their ignorance of the language; there's a dictionary in the bar."

Some one pointed out in a whisper that Two-handed Dick had used the dictionary for a target and shot most of it away with one hand or the other. It was the outbreak just before the Vigilance Committee was started, they reminded the president.

"And that shows the need of law and order," said he. "Bill was quite right. You can't be too careful about these things. Sorry to interrupt you, stranger. You can go on."

"I came to West Junction by the railway," I continued, "and then to Paris Park by coach. I started from there this morning by cart, but it broke down. So I walked. When I had been walking for about an hour, I met a man. He seemed to be partly English — I mean white — and partly native."

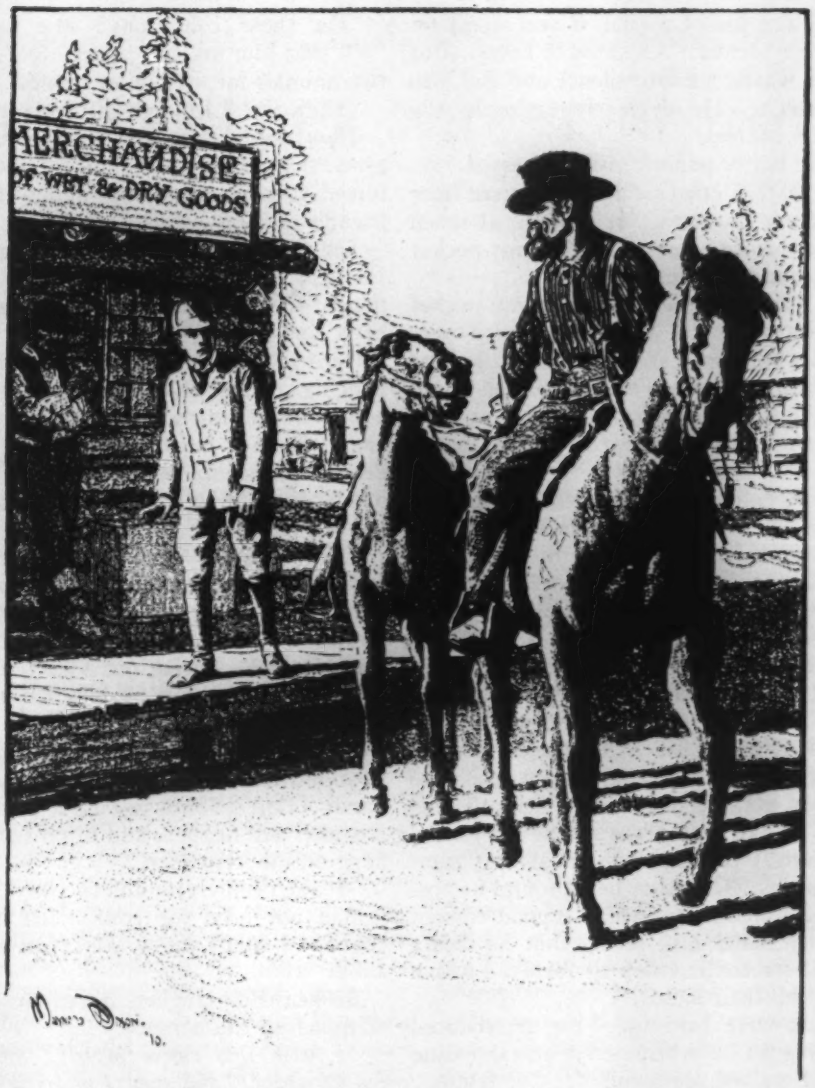
"Half-breed," the Colonel interpreted. "All thieves."

"I didn't know that. I'm new to the country. He had that horse. He said he'd just bought it from a gentleman who let him have it cheap, and he'd sell it to me at a bargain. I was anxious to get on quickly, so I gave him one hundred and twenty dollars for it. I asked him for a receipt, but he couldn't write. That's all. It's the truth."

"Umph!" said the Colonel. "Any one got anything to say for the prosecution?"

There was a whispered consultation. Then Yellow Sam stepped forward.

"If we're going to take a yarn like that," he said, "any one can get off anything. It's only what he says, and no proof; and all I say is this: We took him on the horse, and in the old days no one wouldn't have wasted time over questions, but just shot at sight, and that's



"'AND NOW I'M GOING TO HAVE THIS ONE'"

sense; and if law's against sense, let's alter the law."

There was a chorus of approval.

"You can't alter the law till the trial's over," the Colonel said. "'Twouldn't be showing ourselves proper respect. Any one else want to show what he can do as an orator?"

He paused, but no one answered.

"Then that's the case for the prosecution," he announced. "Any one for the defense?"

"Me," said Broken Bill; "and I want to ask a few questions. Jim Sands, when did you lose this horse?"

"Sometime last night," said Jim, "—leastways, this morning."

"Sometime's no time," said Bill. (I couldn't help fancying that he had been a lawyer!) "Do you know, or don't you?"

"Well," said Jim, "I heard him neigh 'bout four o'clock, just before it was light. Know his voice among a hundred. He must have been took then."

"Oh!" said Bill. "Why must he?"

"He couldn't have been took before," Jim apologized. "That's what I meant. You mix me up with all them questions, Bill. *I* ain't no lawyer, and never was!"

"Now,"— Bill turned to me,—"got any proof where you were this morning?"

"You can send to Paris Park," I said, with sudden hope. "If you fetch the man who owns the hotel, he'll be able to tell you that I slept there and ——"

"Here, here!" the Colonel protested. "We can't wait for an eight hours' journey each way. It's justice while you wait in this court, stranger!"

"What's the use of a trial, if you won't let me produce evidence?" I wanted to know. But the Colonel waved me into silence and Bill into further speech. He evidently regarded the latter as my counsel.

"Got any bill or paper?" Bill suggested.

"Why, yes!" I cried. "I had a letter from a friend of my brother's. It came in at seven o'clock, just before I started. It's in my pocket — the left-hand one, inside."

Broken Bill came and fumbled in my pocket — my hands were still tied. He turned over the contents till I indicated the letter. It bore a rough postmark, with the date inserted in red ink. He handed it round for inspection, and the feeling of the court appeared to change in my favor.

"I needn't point out to you gentlemen," Bill said, "that he couldn't have took this horse after four this morning, got over there for that letter, and back again. The post arrives at Paris Park at seven, as you know. That's the case for the defense."

"And you can see from that letter that it's true, what I told you about my brother," I added. "And the other documents in my pocket"— my friend Bill had replaced them — "will show you that I'm what I say I am."

"Best say nothing about *that!*" the Colonel advised. "A lawyer's always done *something!* Well, my sons, I've got to sum up, and my summing up is this. Guilty of being found in possession of a stolen horse, which is good enough to hang any man; but, seeing that he didn't steal it, he's recommended to mercy. All in favor, hold up their hands!"

All hands were held up,— the ferret-faced man delaying till Bill whispered in his ear,— and the Colonel nodded approval.

"The sentence," he said, "is that you're set free; and you can have what you like to eat and drink, and the Committee foots the bill. Every one satisfied with that?"

"Well," said Bill, "it's all right, Colonel, but not so handsome as I'd looked for from *you*. We've hindered him some from getting on to his sick brother, and I was half expecting you'd offer to lend him a horse — supposing, for example, I was willing to go with him and see it safe back."

"On those conditions," the Colonel said, "I'll lend him my bay mare. She's worth any two animals for fifty miles round."

"She's *that*," Bill agreed.

They untied me, and rubbed my cramped arms, and gave me plenty to eat and drink, and forced tobacco upon me, and were generally friendly.

The Colonel himself came and talked to me. I'd "got off very light," he said. A man who bought a strange horse from a stranger — and he a half-breed — took all risks, and it was better to hang a few innocent men than to miss hanging a horse-thief. At the same time, he added, he was not sorry that I had got off. An acquittal once in a way did not disturb the general confidence in the Vigilance Committee, but it was a thing that he would not like to see happen too often.

They all shook hands when I rode off with Broken Bill, and waved their hats, and I waved mine. Bill was moody and thoughtful. He was no talker, he informed me gruffly, and he scarcely spoke during our four hours' ride.

When we reached Stanley Diggings, I dismounted, and Bill took my horse's reins.

"If you take my advice," he said, "you'll get your brother off by the train at 4 A.M. from Sandy Flats. You'll just do it if you're sharp. Mistakes *will* happen, and I don't want them to hang an innocent man."

"I am deeply grateful to you," I said. "If it had not been for your belief in my innocence — I don't know why you were so sure about it!"

Broken Bill laughed a curious laugh, and whipped up the horses.

"*I stole that horse myself,*" he said over his shoulder, "*and now I'm going to have this one!*"

I thought that the Vigilance Committee might connect me with the matter, so I took my brother off by the coach at 2 A.M., as he had recovered sufficiently to travel. We caught the train, and when we left it we went straight aboard a ship for home. I didn't want to wait there for justice. I preferred to take my luck in this old-fashioned country, where we make justice wait!

THE SPEAKER AND THE HOUSE

BY

ASHER C. HINDS

PARLIAMENTARY CLERK OF THE HOUSE AND AUTHOR OF "HINDS' PRECEDENTS OF THE HOUSE OF REPRESENTATIVES"

THE events of the 19th of last March in Washington have brought conspicuously to the front an old, familiar question. As long ago as 1812, when one of the most famous of the great Speakers, Henry Clay, presided over the House of Representatives, John Randolph of Roanoke discovered, one day, that "the last relic of freedom of debate" had disappeared from the House. The Speaker tried to soothe Randolph, explaining the necessity for the offending rules, and disclaiming any intention on the part of the Chair to exercise compulsion.

"In like manner," retorted Randolph, who was a master of parliamentary irony, "there was no compulsion used upon those unhappy people of old who obstinately and perversely imagined themselves to be exiled from Rome. They were only interdicted the use of fire and water so long as they should remain there."

From that day to this, at recurring intervals, the sensibilities of the nation have been aroused by Members who declared that they had been interdicted the use of fire and water in the House of Representatives. Fifty years ago, a then famous but now forgotten Member, Thomas S. Bocock of Virginia,— who was later to be Speaker of the first Congress of the Southern Confederacy,— summed up the situation in words that might be used to-day without the change of a letter:

"Nothing is more common, nothing is more fashionable, both here and in the country, than to bring up the rules of the House of Representatives, and subject them to prompt trial and condemnation. Whatever goes wrong in the House of Representatives, whatever a man has to explain before his constituents, he is very apt to attribute to the rules of the House of Representatives."

It was fifty years ago, also, that Clement L. Vallandigham, of Ohio, declared on the floor of the House:

"Your Speaker, whatever his natural disposition may be, is, by the necessities of his office, a despot. Your rules make him a despot. And the chairmen of your twenty-eight committees are but twenty-eight sub-despots acting under him. . . . To the hands alone of the privileged few who are chairmen of the committees is consigned the whole trade and mystery of legislation here."

What Vallandigham said fifty years ago is echoed to-day by some Members of the House, by many newspapers and magazines, and, finally, the last National Convention of the Democratic party declared:

"The House of Representatives, as controlled in recent years by the Republican party, has ceased to be a deliberative and executive body, but has come under the absolute domination of the Speaker, who has entire control of its deliberations and powers of legislation."

The question naturally arises: "If Randolph spoke the truth, why did not the enlightened statesmen, Democrats, Federalists, and Whigs, who controlled the House in the fifty years after 1812, remedy the wrong? And if Vallandigham spoke the truth, why did not the enlightened statesmen, Republicans and Democrats, who controlled the House for the fifty years after 1860, remedy the wrong?"

May it not be that, in a body as large as the House of Representatives, there will always be a number of Members, earnest in speech and picturesque in metaphor, who will from time to time discover that the method of doing business is not satisfactory — just as there are in every community a few people who fondly believe that the "good old times" were happier than the present times? Last year a Member of this number, less classic than Randolph, but as incompatible as Vallandigham, declared:

"I want to say, gentlemen, I have been a kicker for twelve years, and if I should stay in this Congress until I arrive at the age of one

hundred and forty-four years, I would kick against the rules of this or any other House that suppress free speech."

A few days later an iconoclastic Member proved from the *Record* that in the first session of that Congress the doughty protestant had himself made no fewer than two hundred and nine speeches!

Power Taken from Speaker, But It Still Exists

The country, however, has always given more or less heed to complaints of the rules and of the Speaker's power; and it seems to be unusually responsive at the present time, as was abundantly proved by the events of the week ending March 19. Whether or not the action taken on March 19 will end these complaints is a question for the future to answer. Undoubtedly power has been taken from the Speaker; but, although lodged in a new depositary, that power still exists. Will ten men without the Speaker be more satisfactory, in the long run, than four men with the Speaker?

The subject is so important that it is worth while to consider whether the Speakership has been endowed with an abnormal and dangerous power, or whether an institution has merely encountered natural human impatience of political control long continued in the same hands. Although the inquiry involves some discussion of parliamentary law, the mysteries of the subject may be made plain.

It is not to be expected that the officer whom the Representatives of the people elevate to the highest position in their body should be an inconsiderable or negligible factor. A century ago a great Speaker, Nathaniel Macon, finding his carriage placed far down in the line at a public ceremonial, directed his driver to take his place next to the carriage of the President. Mr. Macon was a modest man, but he considered that he would be false to his position if he permitted "the elect of the elect of the people" to be degraded from his proper place. The question is not whether the power of the Speaker has been great, but whether it has been growing disproportionately to the other Constitutional powers of the Government.

In order to avoid the confusion of thought so common on this subject, it will be necessary to keep distinctly in mind the three essential elements of the Speaker's influence:

(*a*) His personal leadership, arising entirely from his abilities and character, which enables him to exercise an influence over his associates.

(*b*) The prestige in popular estimation that attaches to the chief of the association of Members who, as the responsible political party in power in the House, carry on the work of the House, accepting the praise or blame therefor.

(*c*) The leverage which the rules give him to exercise an actual control over the business of the House.

Reputations Made Outside Not Recognized in the House

Obviously, as long as the Speakership remains an office of responsibility and power, it will fall to the man who is recognized by his fellow Members as their strongest and ablest associate, and one whom they have known long and intimately.

With a few notable exceptions, the House has from its earliest days declined to give its immediate confidence to reputations made elsewhere than on its own floor. Thomas H. Benton preserved an incident from the early days that illustrates this.

William Pinckney, considered in his day the greatest of American orators, came to the House in the fullness of fame, having been Attorney-General of the United States and minister to half the courts of Europe. Soon after arriving, he took the floor one day to speak on the treaty-making power. An old Member of twenty years' service, voicing the general opinion that a new Member should serve an apprenticeship before becoming an instructor, replied to him, with the reference, "the gentleman from Maryland," and then, pausing as if not certain, added, "— I believe he is from Maryland."

Less delicate hints are sometimes given now, when a new Member sets out to instruct the House, as did a young man of some reputation a few years ago. A veteran gray-haired Member crossed the hall, settled himself in a chair directly in front of the young orator, and, looking up into his face, said: "Now, give us a good one, young man."

In other words, the House of Representatives is a place for realities, not fancies. In serious debate, the Members want, not reputation and rhetoric, but facts and honest reasoning that will assist them to act worthily of their responsibility. They have usually chosen their chief officer, who, under the traditional American system, has been the representative of their dignity and power, in the same spirit. It has not been enough that he should be of great reputation in the newspapers. The Members have sought in him wisdom and courage to withstand criticism and denunciation. Men have always bowed to ability, honesty, and courage. "No man," said a gallant soldier, in a time of trouble and glory for England, "ever entered Mr. Pitt's

closet who did not feel himself braver when he came out than when he went in." Personality, which men were so quick to recognize in the Earl of Chatham, should be considered in selecting every officer of the government; and this is especially true of the House of Representatives, which is always a place of contention.

An incident that occurred on the eve of the Spanish War, and that is still remembered with admiration by the older Members of the House, illustrates this power of personality. The impatience felt all over the country at the delay in going to war with Spain was reflected forcibly in the House. A solid minority was inviting an impatient element of the majority to unite with it in overriding the rules in order to force the hand of the reluctant President. The rules stood in the way of precipitate action, and behind the rules stood a great Speaker, who added the luster of his personality to the office that had been dignified by Clay, Winthrop, and Blaine. But one morning Mr. Bailey, of Texas, the minority leader, presented a proposition for immediate recognition of the Cuban Republic, insisting on its consideration in a plea well calculated to overpower the judgment of men already predisposed by passion in its favor. The rule stood in his way, but the rule was a dead letter. The Speaker alone was alive and of the day. Twenty years of conflict on the floor of that hall had left no doubt in the minds of his associates as to his honesty and courage. He launched from the chair that day a ruling that swept down opposition and made the dead letter of the rule the law of the living House.

"I never knew the Speaker before," said a Member who has since become a Justice of the United States Supreme Court; "he is a battleship in action."

And yet, he who reads that ruling of Speaker Reed to-day will see in it only the plain, honest reasons that supported the order of business that day, for it is no longer accompanied by the magnificent personality of the man.

But this personal influence must be disassociated from a discussion of rules of procedure, which are made by men, for it is a gift of Providence. If the Speakership is to be stripped of its powers under the rules, this personal element of strength may also leave it, for the strong men of future Houses will seek, and be sought for, the places wherein the functions taken from the Speaker shall have been lodged.

The second element of the Speaker's power — as it is viewed in the common trend of thought — has rested in his position as chief of the responsible majority party. This position is a matter of imagination rather than of reality. For two hundred years the sovereign of England has exercised little real power; but as titular head of the nation the occupant of the throne has been exalted or debased, as the nation has been weak or powerful. When William Pitt deplored England's abasement before the House of Bourbon, the King on the throne enjoyed a very moderate prestige. When, in another age, after more than a century of British successes, Beaconsfield returned from the Congress of Berlin, bringing peace with honor, the position of the Empress Queen was as proud as that of any sovereign in Europe. Yet the actual sovereign power of Queen Victoria was probably less than that of her ancestor of Pitt's time.

The Speaker Both Leader and Servant

So it has been with much of the Speaker's power. He has been the leader of his party, as he was also its servant, and he has shared in its exaltation or its abasement. For many years the power of obstruction sheared the responsible majority party in the House of its power. The Speaker, as head of the party, shared in its abasement when it stooped to treat with an obstructive minority. Twenty years ago a notable conflict freed the majority party from the humiliation of fifty years, and it stood forth a free and powerful agent of government, responsible only to the people who had elected it. The Speakership shared the glory. But that glory brought no real power to the individual occupying the chair. There was not on the morning of March 19 a single rule, giving the least power to the Speaker, that had not been a law of the House for the preceding twenty years. In reality, several rules had been adopted during that time which tended rather to diminish the Speaker's authority. The action of March 19 reduced his power by establishing a new potentate — the chairman of the Committee on Rules.

The third consideration remains — the actual amount of power given to the Speaker by the rules.

So much depends upon the personal character and intellectual ability of the man that it is very difficult to estimate this. After many years of study, fortified by daily observation of the business of the House, it seems to me that the influence that the rules have given the Speaker comes, not from his alleged power to recognize Members, — which is not arbitrary, but is governed by the law of the House, — but from his power to appoint committees, and from his relation to the Committee on Rules. This power of appointment comes to him not entirely from the

rules, but from the acquiescence of the House every two years under the rules. Associated with this, his chairmanship of the Committee on Rules carried a certain influence, undoubtedly large, but far less so than is popularly supposed.

The appointing of committees has been the privilege of the Speaker of the House since the beginning of the Government. It is the prerogative of the Speakers in the legislatures of most of the States, but not of the Vice-President, who presides over the United States Senate, for the obvious reason that the responsible party in control of the Senate does not select or control him, and his appointment of committees might tend to subvert the will of the majority of the body.

The Key to the Speaker's Power

The essence of the power arising from the appointing of committees in the House of Representatives lies in the fact that all bills must, under the rules, be referred to committees, and are so referred by the Speaker, that is, under his direction. The rules and practice specify with considerable accuracy what subjects each committee shall receive; but occasions arise when much is left to the Speaker's judgment. There is a further fact of importance. If a committee declines to report a bill, there is no motion that the Member on the floor may make of his own right to bring the House to a vote on that bill or its consideration. In most meetings and legislative bodies it is in order to move to discharge a perverse or dilatory committee, but this is not the case in the House of Representatives. Members of State legislatures and parliamentarians generally will at once recognize this point as a great leverage for the Speaker. I believe, and I think most Members who are critical students of the rules — I will not answer for the Members who often criticize but never study them — will agree with me, that herein lies the key to almost all the actual power that the rules give the Speaker.

Many people will be surprised to learn that this condition is not a recent development, but has existed for about seventy-five years. It came about as an incident of the increase of business, and the modifications of recent years have tended to ameliorate rather than to intensify the hardship. It may seem strange that the condition should not be remedied outright by admitting the motion to discharge on the initiative of any Member. The impossibility of this lies in the fact that the committees receive about thirty thousand bills in a Congress. How to admit the motion under workable conditions without being confronted with the possibility of thirty thousand such motions has not, so far, been solved. Had this difficulty been solved there would be a safety-valve to relieve the pent-up pressure on the machinery of the House. Perhaps the future may bring such a solution; but, so far, the ingenuity of the House has resulted only in the invention of indirect methods.

For many years the only method was by a motion to suspend the rules and discharge the committee. As such a motion requires a two-thirds vote, it is manifestly a cumbersome and unsatisfactory device. Moreover, it is subject to the objection that thirty thousand such motions would be in order, and hence, of necessity, it falls under the Speaker's power, since he must determine which of the competing Members shall be recognized. The House, moreover, has for the same reason been forced to restrict the motion to two days a month.

For the last twenty years the motion to discharge has been referred to the Committee on Rules, and on report from this committee it may be agreed to by a majority vote in the House. This did away with the necessity of the two-thirds vote, but still left the motion at the mercy of the Committee on Rules, of which the Speaker was a member. Now that the Speaker is no longer a member of that committee, he cannot be accused of exercising direct influence in keeping the House from getting at bills held back by the committees which he appointed. But the situation will be controlled by ten men instead of five; therefore, the House is almost as far as ever from free access to all legislative matters.

If the Committee on Rules declines or neglects to act, any fifty members of the majority party may call a caucus of the party in the House, and that caucus may issue a mandate, which never fails to move the Committee on Rules. In this way, in the Sixtieth Congress, the Emergency Currency Bill was taken from the stubborn Committee on Banking and Currency.

There is one other method, which might be used oftener than it is. Any morning, after the reading of the *Journal*, any committee of the House may move to change the reference of any bill from another committee to itself. In this way, more than twenty years ago, the Committee on Agriculture took from the unfriendly Ways and Means Committee the bill placing an internal revenue tax on oleomargarin. Having possession of the bill, the Committee on Agriculture considered it and reported it to the House. The Speaker is powerless to prevent such a motion. If, then, of the sixty-odd com-

mittees of the House, there is one friendly to a bill, and the House is also friendly to it, consideration may be forced, although the committee to which it was referred originally may be hostile.

It is evident, therefore, that the disadvantages of the House in dealing with a stubborn committee are of very long standing, and that the modern practice has moderated them. Perhaps the ingenuity of the future may remove them entirely. The recent action of the House has touched this question only in so far as it has disassociated the Speaker from the situation. Of course, the indorsing of a motion to take a bill from a stubborn committee is not the only function of the Committee on Rules, but it is the only indispensable function. Any bill reported by a committee to the House may be taken up by the House without the assistance of either the Speaker or the Committee on Rules, and even in defiance of both Speaker and Committee. The Committee has never been a "steering committee," but rather an expediting arrangement. It has reported, for the approval of the House, propositions to take important public bills — numerically exceedingly few as compared with the mass of bills — through the House by a legislative short cut.

The Speaker, owing to the tendency in this country to look on politics from the personal standpoint, has been held individually responsible for what he with the other Members of the Committee have suggested to the House. From long observation of that Committee,— and I first saw it in 1890, when Reed, McKinley, and Cannon constituted its majority,— it seems to me that they have not acted in a personal way, but as trustees for the responsible majority party in the House. And the majority of the newly elected Committee of ten will undoubtedly act on the same principle.

Selecting Committees a Difficult Task

The power to name committees, which the House every two years confides to the Speaker, is far from being the absolute power that many imagine it to be. In theory, he may move men about in committee places at will; in fact, having to live with the House, and being daily dependent on its good will, he cannot act arbitrarily and violate usage, except at the peril of his administration. His task is to assign 391 Members to 783 places in such a manner that each of the sixty committees shall be as efficient as possible. This task may seem easy to those who assume that every man elected to the House of Representatives is a man of ability — although the assumption is correct.

"Many of these Members are very ordinary appearing," remarked a stranger who saw the House in the days of Speaker Reed.

"Yes," said the Speaker, who had lived in the conflicts of the great hall for twenty years; "but if you rub any one of them hard enough, you will strike flint somewhere."

The country is prone to overlook the hard-working and serious rank and file of the 391 Members of the House, and to form judgments from the idiosyncrasies of the relatively few.

The rank and file of the House presents a high average of ability, but the variety of abilities is great. A few Members are spectacular, figuring only in conspicuous debates, like a certain Senator in the Senate's classic days, who only appeared in his place when the "Salaminian galley was to be launched." A very few, it must be confessed, are freakish. But the mass are sturdy men of education and ability, rich in the usual endowment of men who receive their commissions directly from the people — common sense.

The Speaker, in framing his committees, must take into account the strength and weakness of the Members, their intellectual and moral qualities. A popular hero, great on days when the Salaminian galley is launched, may amount to very little in the tedious but necessary work of a committee. Sometimes men do not get results when placed on the very committees that seem entirely suited to them.

"If I had to make up a judiciary committee for legislation," said Ex-Speaker Grow to the House, as he recalled the failures of the committee that he had made up thirty-seven years before in the War Congress of 1861, "there should not be more than three lawyers on it, — just enough to give construction to phrases adjudicated by the courts,— and the rest should be composed of good, common-sense Members."

Ex-Speaker Grow touched the mainspring of a Speaker's motive — he must put common sense on guard in his committees. He must withstand as far as possible the importunities of Members. Errors he will make, for the political officer of a people's government is always prone to consider the human element in the question.

"A woman came in here with nine small children, and pleaded the bread act on me, and breaded me out of it," was the explanation that Abraham Lincoln gave to Speaker Grow for failing to appoint a certain man to a certain judgeship.

There is another consideration always before the Speaker as he fits the 391 Members to the 783 places. He must do it in a manner that will disappoint as few Members as possible. When the Speaker set himself to the task of making up

the committees at the beginning of the present Congress, he found that, of the 783 committee places, 620 were held by Members who had been reëlected and would naturally expect to keep their old places if they could not be promoted. This left 163 vacancies, for which there were 485 applications. These figures apparently indicate the necessity of disappointing 322 applicants, or within 69 of the entire membership of the House. But, as Members frequently apply for several places, in order that the Speaker may have the greater opportunity to place them, the total does not accurately measure the disappointment.

Another method of approaching the subject also shows a great aggregate of disappointment. Of the sixty committees, only sixteen may be classed as really desirable. They handle almost all the legislation of the House. These sixteen committees, with an aggregate of 281 places, presented 60 vacancies, and for those places there were 368 applications, or 308 more than could be satisfied. Some deduction must here be made for double applications, but there can be no doubt that the assignments, as finally made, carried disappointment to more than a majority of the entire House, and a considerable proportion must have been keenly disappointed. This is evident from the fact that only a little more than a third of the committee places in the House are really desirable.

At the biennial assignment of committee places the Members are so intent on their own disappointments that they rarely think of the feelings of the occupant of the Chair, who is forced to break unpleasant news to about two hundred men. When Lord North, in making up one of the ministries of George III., decided to leave Charles James Fox out, he wrote to Fox a famous letter:

> *Sir:* His Majesty has thought proper to order a new Commission of the Treasury to be made out, in which I do not perceive your name.

The Speaker faces the House every two years and in effect says to a large number of the Members before him: "Gentlemen, here are the choice committees, in which I do not perceive your names."

This condition would prevail under whatever system the House might adopt for naming committees, and it is a matter of doubt whether any assignment of committees, if submitted to the House for approval, could command a majority, if each Member should voice his real feelings. A rule of the House, adopted more than thirty years ago, provides that, after the Members have once drawn their seats by lot, there shall not be another drawing during the Congress. Few Members know the meaning of the rule, but it is significant. The undesirable seats so far outnumber the desirable ones that after every drawing it would be easy for any Member to command a majority for his motion to have a new drawing. This gives an intimation of what might happen if the House were to take the appointment of committees into its own hands instead of leaving it to the Speaker.

Appointments by Committee a Possibility

Appointments might be delegated outright to a committee, with no after approval of the House by vote, and it is possible that the next House will confront this proposition. This momentous question cannot be discussed in a short magazine article, but one or two considerations are possible. Those who have tried to reform political methods in our municipalities have quite generally concluded that minor officers are appointed more satisfactorily by a definite, responsible head, like the Mayor, the success of whose administration depends on his fidelity to a principle of honest selection. The House of Representatives has had that idea for more than a hundred years, and, until the present Congress, there has not, since 1809, been a serious proposition to take the appointment from the Speaker.

The Speaker not only confronts a great possibility of creating dissatisfaction when he appoints his committees every two years: he is also confronted with the necessity of living as far as possible up to a great tradition of the House — that Members should remain with the committees on which they have had experience and training, and should move toward the chairmanship as vacancies occur above them from Congress to Congress. The appointment of the chairmen in the last fourteen years illustrates the working of this tradition. In the seven appointings that have occurred in that time, about 407 chairmen have been named. Of these, 265 have been reappointments, 93 have been promotions of men already on the committees, and only 49, or an average of 7 for each appointing, have been new men brought to the chairmanships from outside the ranks of the committees. Four of the present chairmen are each completing sixteen years of service in their positions, and three of them owe their places on the committees over which they preside to the Democratic régime of Speaker Crisp, before the Republican party began its long lease of power in the House.

The principles governing the tenure of the chairman run down through the ranks of the committee. A Speaker may break this great

tradition of the House. He does so, on an average, in two or three cases in each Congress; but, unless he does it for reasons that a clear majority of the House would consider necessary, he does it at his peril.

Such have been the functions of the Speaker in performing the duty that constitutes the citadel of actual power as derived from the rules. The reader may judge whether it has been exercised arbitrarily and recklessly in the last fourteen years.

It is observable that criticisms of the Speaker usually begin after he has served two or three terms. This is invariable, and is worth consideration. The functions of government that are really difficult are the raising and expending of money and the making of laws. Around these duties gather the great cyclones of public opinion in government by the people, and Congress meets the opposition or approval. Within Congress the responsibility is borne by the controlling party, and the Speaker, as the servant of that party, comes in for a share of the criticism as well as of the glory.

Indeed, the country would be surprised to learn to what an extent the Speakers of the House have shielded the membership in the last twenty years. Years ago, when a violent public sentiment was demanding the immediate authorization of a canal by the Nicaragua route, a petition signed by a majority of the Members asked the Speaker to assist in bringing the Nicaragua Bill before the House. The Speaker received the petition courteously, and put it away in a drawer of his table. For some time thereafter, as certain Members would drop into his room, he incidentally, in the course of conversation, asked their opinion of the Nicaragua Bill.

"I signed a paper asking its consideration," was the answer of the first man, "because powerful influences in my district favor it; but my judgment approves your position, that the problem needs further examination and discussion before we commit ourselves and posterity to the Nicaragua route."

After the Member went out, the Speaker drew the petition from the drawer and checked a name. He continued this quiet inquiry, checking off Member after Member. And finally, when he was satisfied that the petition did not represent the real sentiment of a majority of the House, he replied to the anxious inquiry of the friends of the Nicaragua Bill: "I will not assist you." Further than that he would not explain, not even to point out, what was the fact, that there was a way to get the Nicaragua Bill up, under the rules, without the assistance of the Speaker. Even to-day one can almost hear, coming down through more than a decade, the denunciations directed at the despot who set himself against the will of a majority of the House.

It is admitted that Members of the House of Representatives should not save themselves at the expense of the Speaker, and only a small number do so. If every Member were a hero, the House would cease to be a representative body, and put to shame all cabinets and councils since the dawn of time.

Should the Speaker be stripped of whatever power the rules give him, that power would merely be placed somewhere else, and wherever it resided criticism would follow. The Speaker is easily found. A committee, appointing committees in secret session, might conceal the personal responsibility of its members. This would probably make life more comfortable in the House, but how would the interested public like it? Who would name the Committee on Committees, and who would guarantee that selfish interests would not creep into its councils? For that Committee would not exercise its functions on a pinnacle, as does the Speaker, so that all might see.

It has been found that no political party can constantly meet the expectations or withstand the disappointments of those who look to it for action. In England the recognition of this fact long ago coined the phrase in regard to a ministry that it "goes stale." Hallam has preserved the saying of Charles I., who was always an insurgent against his Parliament, that "Parliaments are like cats: they grow curst [sour-tempered] with age." In the last ninety years no English ministry has lasted longer than ten years, and, with the exception of the Salisbury-Balfour Ministry of the Boer War period, none in the ninety years has lasted over six years.

Since English ministries depend on the fluctuations of majorities in the House of Commons, they afford an exact comparison with the House of Representatives. In our House of Representatives, in the last seventy-five years, no political party has controlled the House longer than six years (three terms), with the exception of two periods. The first of these periods was from 1861 to 1875, when the Republicans maintained an absolute majority for fourteen years; but during eight of those years there were vacancies in fifty seats belonging naturally to the opposition, and during four years a tremendous civil war raged.

The other exceptional period is the present, when the Republican party is completing sixteen years of continuous control. No English ministry has faced the people as long as this, since the younger Pitt in the period of the Napo-

leonic wars; and it should be remembered that Pitt dealt with a very limited suffrage under aristocratic control. When the present Speaker completes his present term of office, he will have served eight successive years, a longer period than any other Speaker has served since the foundation of the Government, and a longer period than any English ministry stood before the people during the thirty-five years that were illustrated by the services of Gladstone and Disraeli.

Should the President Express the Popular Will?

The proposition to strip the Speakership of its power, which has to some extent been brought to pass by recent action to destroy the leadership that has been its attribute since the patriotic Speakers of pre-Revolutionary days led the Representatives of the people in resisting the royal governors, is a question of deep significance. Because for two terms recently the White House was occupied by a man of wonderful ability in understanding and interpreting popular sentiment, a school of wise men are preaching that the great legislative body of the people that sustained Washington, Jackson, and Lincoln, although at times it disagreed with them, should be relegated to desuetude; that its chief officer should be stripped of the authority that has been exercised with wisdom and patriotism for a hundred years; and that the President should be relied upon to express the popular will.

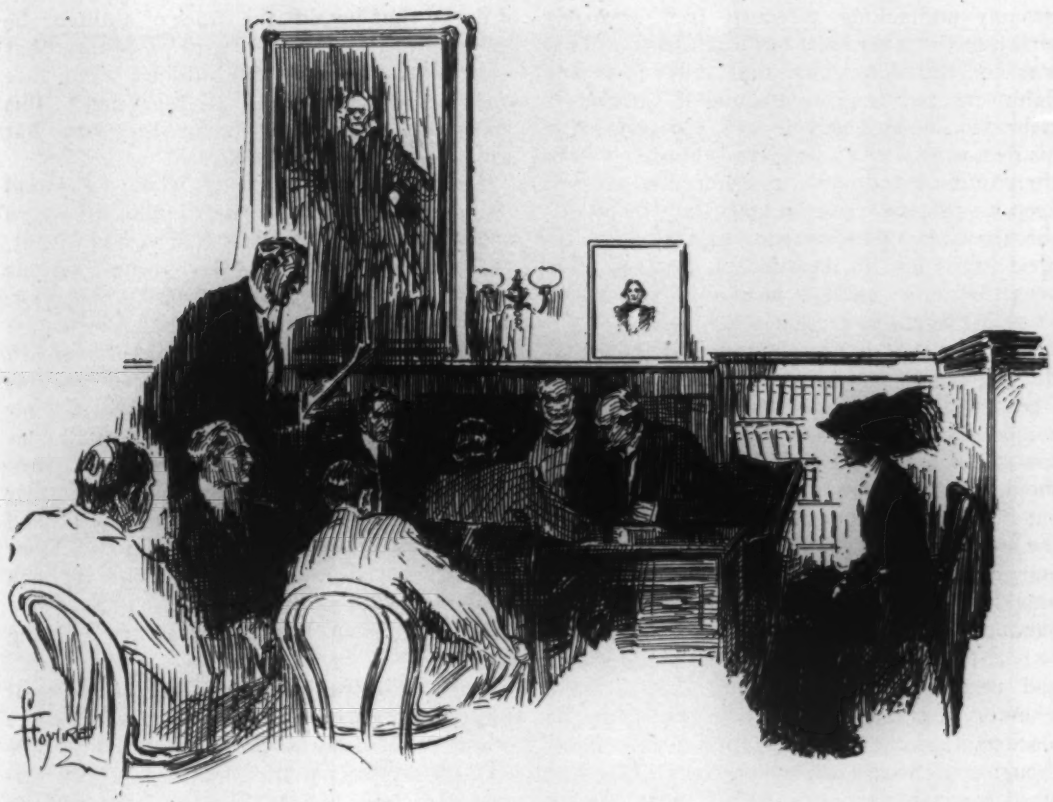
What a summer one swallow makes! Has every one forgotten 1852, and President Franklin Pierce, elected by 254 electoral votes to 42 for General Scott, and Pierce's interpretation of the will of the people? Overwhelmingly as he had been elected by the Electoral College, Pierce actually had an absolute majority of less than 60,000 in a total vote of over 3,000,000. Yet, with this admonition to caution, he lent his high office to the repeal of the Missouri Compromise, and to the long sequence of trouble that followed. Pierce was saddled on the nation for four years; but in two years those who did not want this nation wholly slave-holding elected a majority of the House of Representatives, and confronted the unwise President with Speaker Nathaniel P. Banks.

Did any free-State man then think that the Speaker should be stripped of the old American prerogatives and relegated to the innocuous duty of a presiding officer? Was it the memory of Pierce's colossal blunder that caused Abraham Lincoln in after years to say:

"By the Constitution, the Executive may recommend measures which he may think proper, and he may veto those he thinks improper, and it is supposed that he may add to these certain indirect influences to affect the action of Congress. My political education strongly inclines me against a very free use of any of these means by the Executive to control the legislation of the country."

Again, has every one forgotten 1856, when the Electoral College pronounced James Buchanan President of the United States, although, on the vote of the people, those who were opposed to him outnumbered those who voted for him by nearly 400,000? Buchanan voiced the will of the people by lending the influence of his high office to the production of the Lecompton Constitution of Kansas. Buchanan was saddled on the nation for four years; but in two years the anti-slavery forces rallied and confronted the President with the House and the Speaker. It was under the eyes of that Speaker that Clement L. Vallandigham (who was so much of Buchanan's way of thinking that Abraham Lincoln finally sent him to the Confederates) pronounced the refrain so familiar now: "Your Speaker, whatever his natural disposition may be, is, by the necessities of his office, a despot." But the House did not heed the criticism then, and has not in the fifty years since, if we except the recent action, because it knew its own condition, its own necessities, and its own Speaker.

Now, as the result of the new rule, the House has divided the expression of its authority between two men, the Speaker and the Chairman of the Committee on Rules. It would be presumptuous to prophesy the effect of this action. Those who have brought about the change are confident that it will solve, in a large measure, the problem of years. Undoubtedly the House will give it a fair trial. If the Speakers of the last twenty years have wrought merely as despots exercising personal power, as many have been led to believe, the change will bring contentment. But if the Speakers have wrought as the servants of the responsible majority party, then it is evident that there has been merely the substitution of two servants for one. The future alone can give an answer that will command respect.



THE GRISWOLD DIVORCE CASE

BY

FREDERIC TABER COOPER

ILLUSTRATIONS BY HOWARD E. SMITH AND C. FOSMIRE

AS Morgan Griswold emerged from the solemn-fronted cross-town block and made his way northward along the dwelling side of Central Park West, he felt, as he had foreseen he would, the overwhelming surge of his homelessness. Throughout the dragging progress of the suit, instinct had bade him shun the scene of his fool's paradise, the places still haunted by the spell of Natalie. Beyond the sphere of old associations, he could delude himself with the pretense that it was all a waking dream, the leaden ache of a persistent nightmare. From the grim hour that now seemed limitlessly remote, when jealous fear had leaped to merciless certainty, he had lived in a state of numb detachment. It was all so incredibly, so preposterously unreal: the first blind madness of his lust for vengeance; the well-meant cruelty of friends who tried to intercede; the crude, unsparing phrases of the formal complaint; the endless hearings before the referee; the tireless hurry of the stenographer's pencil. They were phantasms, not flesh and blood, those stern-faced lawyers, those glib, unshaken witnesses, whose presence he had himself evoked to testify to facts that he would have given his soul to prove untrue. That was not Natalie, that haggard, pallid woman who faced him, day by day, across the narrow width of the law office,

proudly unflinching, piteously frail, strangely girlish in the severity of her black frock. That was not Brandon Dana, that shifty-eyed and flabby craven who groveled under the attorney's lash; who hedged and dodged and tripped on his own words. And he was not himself, sitting there quiescent, dumbly clenching his hands to keep his fingers from closing around the other's throat, listening to evidence that all his manhood urged him to denounce as lies, and that, nevertheless,— God help him! — he was driven to accept as truth.

But now that the strain was over, now that the referee's report had been confirmed, the decree signed and judgment entered, there was no longer any danger that memory might make a coward of him, no longer any reason why he should shirk the final readjustments. Throughout the trial he had not crossed the threshold of the apartment that, from the beginning of their married life, had stood for home. When the break came, he had flung himself forth, empty-handed, leaving her in possession. She should be free to remain, if she chose, until the courts had decided. What difference did it make whether she stayed or went? In any event, the place had become impossible for him; for, in his thoughts, he would always see her there. But when his man had returned, the next day, to gather the few things that he needed, she was already gone, the servants dismissed, the curtains drawn, the whole place given over to the reign of solitude and dust. And whether, like him, she had shrunk from going back, or whether she had already removed her own possessions, he had not troubled to inquire. Such matters seemed infinitely petty beside the wreckage of two lives.

With every step that brought him nearer, the sting of actualities became more keen. That was the window, on the seventh floor, where, in the morning, she had always stood to watch him go, waving a gay good-by, with a swift, odd little turn of the wrist that was like no other woman's in the world. He suddenly felt bitterly resentful of the soft, mild air of early spring, the glad gold sunshine that was out of harmony with his mood and with his mission. Boys at the exit from the subway station had been selling daffodils; the first pale, new-born foliage on the trees showed in a shimmer of green throughout the park. That other day, which seemed an eternity ago, had been bleak and stormy; a fine chill rain had been falling; and fitful gusts had swept over the park wall swirls of yellow leaves that formed a sodden carpet underfoot. Was it only last year? He had lost a sense of the passing of time. Through all the springtide gladness, he seemed still to smell the mournful redolence of decay that heralds the death of autumn; he seemed still to see, as if it were yesterday, that rain-lashed window, with Natalie's white face seen in a blur behind it. He marveled to this day at the strange whim that drove her, that last time, to watch his going.

He felt an absurd relief when he found that James, the impudent Jamaican negro whose free-tongued evidence had carried weight, was gone and a new hall-boy reigned in his stead. The experience of naming his own floor, and of naming it too late, of being swept past it upward to the eighth, and then returning with a slide and jerk, all helped to accentuate his growing sense of intrusion. He admitted himself to the apartment, noting mechanically, as he turned the serrated side of the key downward, how odd and unwonted the familiar notches had become to his touch. He groped his way down the hall and across the dim front rooms, musty from long closing, and flung back the drawn curtains and raised the shades and sashes, to let in the fresh spring air and morning sunshine.

Now that he was here, it was difficult to credit the actuality of the severance. The whole place retained a torturing air of the intimacy of a home in which the daily routine had barely been suspended. In the hall still hung his last summer's straw hat and her opera cloak, the one with the pink lining. In the parlor, the piano stood mutely open, the keyboard gathering dust; and the score of a musical comedy on the rack added a farcical touch to the grimness of a broken home. On a little table lay a fan, and a pair of long suède gloves, hastily stripped off, wrong side out; the fingers still partly retained the roundness hers had given them. He could almost believe that she was in the adjoining room; that any moment she might enter, clad in her morning gown of saffron yellow, shimmering like sunshine; that she would lean toward him until he could catch the redolence of her hair — hair like dusk that retained the glint of sunset; that she would utter the tender, foolish, intimate name she had for him — the name that was a secret between them, the name that she had never uttered before others. Why, in Heaven's name, must a man's brain insist upon evoking images against his will? Why would it never let him forget the other man? Why would it obtrude the devilish question, what secret, intimate, tender name had she also coined for him?

Morgan Griswold crossed to the window, his hands clenching, his face working painfully. He was a fool to come here and torture himself with the sight of all those dead but yet unburied memories! Of course, the apartment must be

"'WRITE WHAT I DICTATE, WORD FOR WORD'"

dismantled, and the sooner the better. The whole place seemed filled with impalpable swarms of ghosts, as all-pervading as the thickly gathered dust. As for Natalie, she must be notified to arrange at once for the removal of such effects as belonged to her — the wedding presents, the piano, the pretty ornaments, each one of which evoked a separate pang. His eye traveled involuntarily over the walls; each picture had its own particular memory, each had been acquired because it had counted, or so he then believed, for something of real moment in their joint lives.

He entered the bedroom. Above the musty closeness there still hung, faint and evanescent, a suggestion of perfume, a persistent yet elusive fragrance of her. A silken skirt trailed from the brass footrail of the bedstead; a disorder of ribbons and veils and gloves bespoke the haste of a parting toilet. Upon the bureau, in the midst of a litter of combs and hairpins, stood two photographs, hers in her wedding dress, his taken shortly before their marriage. He contrasted the youth and gladness of her picture with the white, drawn face that, day by day, had confronted him at the hearing, outlined against a wall of serried volumes — 41 *Hun*, 17 *New York*, titles that had oddly and permanently photographed themselves upon his brain, just as he had glimpsed them over her shoulder, beside the soft waves of her dusky hair.

He found himself unable to lay the picture down, but stood there, gazing hungrily, torturing himself with memories, confessing, as he had never quite confessed before, the extent to which he also had been to blame. Countless small matters, with which he had vaguely reproached himself, suddenly became distinct, concrete, unified in the one word, neglect. He had neglected her! Odd paradox, when she had formed the motive power of everything he thought or said or did! The very ambitions cherished for her sake had formed the entering wedge betweeen them. In his blind haste to win the world's prizes for her, he had made the blunder of leaving her alone; he had not learned that a woman's love demands the services of play as well as of work. He saw, now that it was too late, how, by his own fault, she had been flung back on other companionship, not always wisely chosen — men whom he ought to have shielded her from knowing, men of the type of Brandon Dana. That was the incomprehensible, the unpardonable part of their story. He might have found it in his heart to forgive; he might have been weakling enough to take her back, had the man been any other than the one she had so strangely, so incredibly preferred. He had believed, in blind security, that he knew Natalie through and through — knew how fine she was by nature, how fastidious in her tastes, how scornful of frailty in others. Yet there was the damnable, black, proved fact of Brandon Dana. He sickened at the monstrous hypocrisy.

The sound of a key in the outer door, turned with the old familiar quickness, thrilled him with a pain that left him dizzy. He could almost see, through lath and plaster, the swift, impulsive turn of the slim wrist. There was nothing strange in her coming to the apartment. Sooner or later, she would have had to come. And yet, the possibility that he had least foreseen was that of their meeting, face to face, in their old surroundings, in the incongruous gladness of April sunshine.

But, as the door opened to admit her, he became aware of voices. She was evidently accompanied by a man; and that man's voice was, of all voices, the one most hateful to him. He had already become schooled to the thought that, when once the need of keeping up the farce was over, Natalie and Brandon Dana would be seen together publicly; but the sight was one that he himself was not yet ready to bear. Instinctively, he recoiled behind the heavy portière that screened the bedroom from the parlor before he realized that their tones were the opposite of friendly. Natalie's was vibrant with anger.

"How dare you! How dare you!" she flung at the man with her, from between set teeth. "It was cowardly to follow me here! Go — please go at once. You cannot come in. Don't you understand? You cannot come in!"

Apparently the man's foot prevented the door from closing. There was an exasperating assurance in the easy familiarity of his reply:

"Come, now, Natalie, don't be foolish. I had rather not raise a row here in the hall, but I've got to have a talk with you, and I've got to come in. It'll be your own fault if you advertise the fact to the whole house."

Morgan felt rather than heard the swift, unequal struggle, the cautious closing of the door, and the man's step preceding the woman's across the polished flooring of hall and parlor. Every nerve, as he listened, was goading him to commit the folly of interference; but, when she next spoke, Natalie's recovered self-control restrained him.

"It was rather brutal, don't you think, to use force? If I must listen, kindly be as brief as possible, and then go."

"Oh, I say, Natalie, don't be foolish. You can't afford to fling over the best friend you've got."

"HE DID NOT KNOW WHY HE WAITED"

"The best friend I've got? Oh, no, Mr. Dana; I deny your right to call yourself that. There was a time when I thought you were a friend, but a real friend would have stood by me in a better way than yours. A real friend would not force himself on me now, or speak with a familiarity that is insulting. Oh, if you had one little bit of the friendship you pretend, you would do me the only favor I have asked — you would stay away."

"But you ask the one thing that is impossible, my dear Natalie! Two people tangled up as we are! I simply had to see you; can't you understand that? And yet, you have forbidden me to call, refused to see me, sent back my letters. You left me nothing else to do but to spy upon you, follow you through the street, force myself in here, brutally, as you call it. Well, perhaps that's so. But what's the use of pretense between you and me? You know — you have known from the very beginning — that I love you, just as I have known from the beginning that you love me!"

Morgan Griswold was unconscious of the movement that brought him into a position to see as well as to hear. He had room for no other thought except his own amazement at the consuming scorn that blazed from Natalie's eyes. Her answer came in a stinging hail of words that gave no chance for interruption.

"That is a lie, Brandon Dana — a cruel, insulting, stupid lie! Neither you nor I have ever known anything of the kind! I never gave you the least little cause to think I cared for you; I never even dreamed that you would dare to forget that I was Morgan's wife. Wait — let me finish! It was you, and not I, who insisted upon coming to an understanding. Well, now that you are here, you are going to listen, and it shall not be my fault if you don't understand! I knew you loved me, did I? How was I to know it? Was there ever a word, a look, an indiscretion that might have told me? No; you are much too clever for that! Your pose was that of a friend, such a good, kind friend! You knew that I was lonely; that I had begun to fear that Morgan didn't care as he used to; that I was grateful to have you — no, not you, not you, but any one, *any* one who would take the trouble to help me fill in the empty hours. I must have been blind! I never guessed people were talking; I didn't realize that they had anything to talk about till the day of Morgan's dreadful mistake — the day he disbelieved me!"

To Griswold, standing mute and rigid behind the curtain, it seemed as if he were witnessing some play, in which the actors had suddenly gone mad, and lost their lines, and were uttering fantastic and meaningless jargon. They were strangers, that man and that woman, not his wife and his wife's lover. Or else, if they had not gone mad, if they meant what they were saying, if this was the terrible, unalterable truth, then he had done the cruelest wrong that any man could do to the woman he had vowed to cherish. Yet, through the surge of his emotions, some instinct stronger than his will held him silent, shaken with a great dread of further knowledge. And still the woman's words poured on, as if, now that the floodgates of speech were opened, the pent-up misery of months must run its course.

"Love you? Why, if I had ever loved you, do you think I could love you now? Don't you understand that I can't even be quite just to you, that I can't help blaming you for all that I have suffered, all that I have lost? Oh, the shame of it, the utter helplessness! To know that it was all a mistake, to know that I had done no wrong, and yet to explain and explain, and feel that I was pounding against a dead wall of unbelief! And not only the injustice, but the notoriety; the friends that dropped away, one by one; the flaunting headlines in the paper! For months I have not gone in the street without being pointed at, with a knowing glance and a whispered word that set my cheeks flaming. But I bore it all, because of the certainty that it could end only one way. We had only to tell the truth, the simple, literal truth. I never dreamed that justice could become so monstrous a farce. Yet, as I sat there day by day, and saw the net they were weaving around me, the tangle of misstatements, slips, and contradictions, there were times when I doubted my own brain, times when I wanted to cry out, 'This isn't I, Natalie Griswold! It is some poor, wretched creature who must have done all these nameless things and is too miserable and too tired to remember!' And there were lies, too, deliberate, malicious lies. You know as well as I do, Brandon, how that hall-boy, James, lied. I wonder what I had ever done to make him hate me so! And you yourself, Brandon — why, it ought to have been so simple, so very, very simple to prove just where you were those nights they gave the dates of. It was the turning-point of the whole case. I felt as if I were going mad when you swore that you couldn't remember where you were! Why, if all they said about us had been true, if I had been the very worst woman in the world, even then it ought to have been impossible for you to make such an inane answer! Think of it, Brandon! Five whole days and nights — nearly a week — and you couldn't remember where you were! Even if you could not tell the truth, you might at least have prepared a plausible lie, something better

than that self-evident pretense that you could not remember! I have tried to be just; I have tried to believe that you meant well, that you were nothing worse than a clumsy blunderer. But it's no use, I simply can't! There is just one possible excuse for you, and that is that you were protecting the name of some other woman, at no matter what cost to me. Oh, the shame of it, Brandon! Robbing me of honor, love, happiness, in order to shield some other woman with real sins on her soul! And, after that, you come here and pay me the crowning insult of pretending that you love me!"

The man laughed, a slow, amused, self-satisfied laugh. "So that's the trouble, is it? You're jealous! Jealous of a woman who doesn't even exist! Jove, but you're handsome when you're angry! So you thought I was off with another woman? I wonder what you would give to know where I really was?"

If the woman was aware of the imminence of his self-betrayal, she at least gave no sign. It was apparent that she must make no slip, in word or act, if he was to be led into complete revelation.

"That is something I never can know," she retorted. "I should not believe you, even if you told the truth. I refuse, once for all, to listen!"

"Oh, come now, Natalie, I can read you like a book! You're still thinking of the other woman, and I tell you there isn't any other woman — there can't be any other woman so long as I know you. You don't have to take my word for it; I can prove it easy enough — I can find people who remember where I was, all right. Jove, who'd have thought you'd be jealous!"

Instantly the woman's manner changed. "So it *was* perjury?" she accused him, with deadly calm. "You wanted the divorce to go against me? You deliberately planned for it? And yet God lets you live!"

Dana laughed again, this time uncomfortably. "That's about the size of it," he conceded brazenly, "but you're the last person that ought to blame me. You've got your freedom, haven't you? Got rid of a jealous husband who was tired of you! It's none of his business now how much or how little you see of me. You don't appreciate your blessings, my dear girl!"

She shrank from his approach, with open loathing. "Don't touch me! Your very contact is unclean. My blessings? You have robbed me of the only man I ever loved, the man — God pity me! — that I can't help loving even now. But I know you now, and if there is any way the law can reach you, I mean to find it."

"See here, Natalie, cut that out! Threats don't go with me. Perhaps you know me, and then again, perhaps you don't. What can you prove? That's the point, what can you prove? Nothing! Just nothing at all! My word is as good as yours — perhaps a little better since the verdict. Let well enough alone, my dear, and when a fellow wants to treat you right, try to meet him half way!"

It seemed to Morgan Griswold as if there had never been a moment in his life when his thoughts were so lucid, his purpose so deliberately planned. With automatic calm, he drew the curtain aside and stood revealed. The swift clicking of brass rings along the pole was the first warning the others had that they were not alone. For the moment, Morgan did not look at Natalie; he scarcely even heard her one low cry — a cry full of wonder blended with something else that might be fear or gladness, perhaps both. For the moment, he had no room for thought of any other thing than Brandon Dana. The anger that he felt was unlike any anger he had ever conceived — a white-hot, silent ecstasy of hate, an irresistible longing to feel his crooking fingers sink into the other's flaccid, beefy throat. Dana's florid, puffy features were almost grotesque with discomfiture, fear, and the sullen rage of defeat.

"So you laid a trap for me!" he snarled at Natalie — then choked and gurgled as Morgan gripped his collar.

As he strained and swayed in the powerful grasp, raining ineffectual blows that Morgan scarcely felt, a rug suddenly slid beneath his feet, and the two went down together in a disordered heap, a table with a lamp overturning with them, the lamp-shade crashing as it struck. Splintered glass gashed their hands as they rolled and struggled. All at once, the pressure on Dana's windpipe took effect: the fighting strength went out of him, the face turned purple, the eyes bulged. Not a minute too soon, the madness passed from Morgan Griswold. With heartfelt reluctance, he freed his victim, jerked him to a sitting posture, and began energetically to rouse him from his collapse. "God! To think I've got to let you live!" he groaned. "To think a cur like you is too valuable to kill!"

Dana, looking white and sick, staggered painfully to his feet, his breath coming brokenly through his bruised throat. A crimson trickle from his cut hand had splashed across his necktie and fancy waistcoat.

"Damn you both!" he blustered, as he turned to go. But the fingers he had learned to fear relentlessly jerked him back. Morgan was speaking again, in words that, short and simple as they were, nevertheless went through him like the prod of sharp steel.

"Not so fast! Sit down. I meant to kill you — I may do it yet. I didn't kill you, because I'm going to make you useful. You're going to tell the world what a dirty cur you are. There is a pen; there is paper. Now, begin: 'I, Brandon Dana——' Go on — be quick about it! Write what I dictate, word for word, and sign it, or, as sure as there is a hell waiting for you, I'll send you there now!"

With the relentless monotony of slow clockwork, Morgan's voice droned out the servile confession, in time to the nervous rasping of a shaky pen. He had leisure now to study, above the sunken head of the creature taking his dictation, the attitude of the woman who, throughout the conflict, had remained aloof, silent, non-committal. It was hopeless to try to guess what thoughts were passing through the averted head. His suspense became intolerable. He could hardly wait until the last word was down in black and white, and the sprawling signature added, before he unceremoniously bundled his limp antagonist from the room, and cast him into the outer hall.

For a time, utter silence held the room. The woman who until yesterday had been his wife continued motionless, as if carved, her face still half averted, the sunlight awakening coppery glints in her dusky hair. He noted the weariness of her attitude, the thin cheek, the lines in her face, the havoc that the months had wrought. A rush of mad words rose to his lips, choking into incoherence. What was the use? He was beyond all pardon. With an effort, he mastered himself and spoke quite simply and with forced calm:

"Natalie — I have no right to speak to you ever again. I have forfeited my right — I know that — all my rights but one: the right to make atonement, so far as is still possible. I have done the unpardonable thing. You cannot despise me more utterly than I despise myself. But, listen, Natalie: this horrible wrong must be set right. God! As if anything ever could set it right, now or hereafter! But you must and shall take my name again. We must be remarried, when and where you will, as quietly or as publicly as you see fit. We must decide how best to make the world understand the whole colossal blunder. Then — then I will go away, Natalie; I will pass out of your life. You need not fear that I shall ever trouble you again. I have forfeited all right to look you in the face, all right to speak to you any more."

He stood for a moment in the doorway. He did not know why he waited, or whether, in some dumb way, he dared to hope. He only knew that it was infinite pain to pass out from her presence.

Suddenly she turned. Tears were coursing down her cheeks, openly and unregarded; but in her eyes was a radiance as of sunshine through soft rain. Her arms rose slowly, reached forward. Her lips parted, framed a single word, low, tremulous, yet distinct. It was just a name, a foolish, intimate, tender name — the name that she had never uttered in the presence of others.

HOW TAFT VIEWS HIS OWN ADMINISTRATION

AN INTERVIEW WITH THE PRESIDENT

BY

GEORGE KIBBE TURNER

AUTHOR OF "OUR NAVY ON THE LAND: THE GREATEST WASTE OF NATIONAL FUNDS IN THE HISTORY OF THE UNITED STATES," ETC.

This is a statement by President Taft of the purposes and achievements of his administration, made during the first part of April. At that time the bills in the administration program, presented to the current session of Congress, either were still in committee, or were being debated in the Senate and House. The statement, for the sake of clearness and simplicity, was put in the form of a continuous quotation—unbroken by the questions asked, or the excursions from the main points of discussion, which are of necessity made in any interview. This statement is, necessarily, not a verbatim reproduction of the language of the President, but it gives substantially what he said.

MY administration (said President Taft) had, from its start, one work to do — to secure new legislation. The administration of President Roosevelt, like a great crusade, had awakened the people of the United States, and accomplished great advances in the operations and powers of the Federal Government. It was the business of the administration following his to make these permanent in the form of law.

There was a definite program of legislation demanded by the country and promised by the Republican platform. The most important matters in it were a new tariff bill, new measures for controlling corporations, and new laws for the conservation of the national resources in the public domain. The policy to be pursued in the various laws in this program was very clear; I thoroughly believed in it; and I began, even before my inauguration, to organize my administration to do the work it was pledged to.

Cannon and Aldrich Promise to Help

Congress began work upon the new tariff bill immediately after my inauguration. As head of the administration, I took every means properly in my power to secure the tariff I believed the Republican party had promised. There is, of course, only one usual and natural way, under our form of government, for a Chief Executive to secure legislation: that is to work with and through the leaders of the majority party in Congress. The attitude of these leaders in the Republican party became at once, after my election, a matter of the greatest importance to me.

I believed, and had said repeatedly, that, properly carried out, the tariff plank of the Republican platform would result in a downward revision on many schedules in the Dingley tariff. Not long after I was elected, Mr. Cannon, Speaker of the House, was reported by the newspapers as denying that the Republican party had been pledged by its platform to a revision downward. Immediately after that the papers announced that I was opposing the reëlection of Mr. Cannon as Speaker. Believing that Mr. Cannon had been correctly quoted, I was not unwilling that this should appear, although I was perfectly aware that he could not be defeated. Later I had a meeting with Mr. Cannon at which he showed me a full copy of his speech, and convinced me that he had been wrongly quoted. He said that he was entirely in sympathy with my effort to carry out the pledges of the Chicago platform, and would assist me as

loyally as possible. I afterward explained my position to the Ways and Means Committee of the House and its chairman, Mr. Payne, and was assured by them that my ideas had their entire sympathy.

Mr. Aldrich, the leader of the Senate in the tariff debate, publicly stated that he did not believe a downward revision had been promised. But he pledged himself and the other leaders in the Senate to the general program of progressive legislation outlined in my inaugural address. And, in the actual passage of the tariff bill, not only was his ability to bring about legislation of great practical value, but there were not a few reductions in schedules which were introduced at his instance or with his consent.

Our Ridiculous Method of Tariff-Making

What I wanted in a tariff bill is clearly expressed in the language of the Republican platform of 1908 (which, as a matter of fact, followed quite closely the language inserted at my instance in the Ohio platform):

"The true principle of protection is best maintained by the imposition of such duties as will equal the differences between the cost of production at home or abroad, together with a reasonable profit to American industries."

This, I believe, is a fair statement of the policy of protection, which protectionists will generally subscribe to. To carry it into effect just one thing is necessary; that is, evidence — an accurate knowledge of the cost of production of protected articles here and abroad.

Germany, France, and virtually every great tariff-making country in the world except the United States secure this evidence through their own experts. In this country the only information for making tariffs is obtained from the warped and biased testimony of the men to be affected by their schedules. The whole method is notoriously unscientific and wrong, an outworn system, which I believed should be changed.

The Ways and Means Committee of the House had been at work for a year gathering information upon which to base a new tariff. The usual confusing testimony was produced by them; and the usual commitments of the representatives of different sections, to the views and testimony of the particular business interests of their localities, occurred after the bill was introduced into Congress — as it always must, under the old method of tariff-making. As matters formulated themselves, I made known my views in various conferences with the leading members of the House and Senate.

I felt that at least there should be free hides, free iron ore, free coal, free lumber, and free petroleum. I placed myself against a raising of the rate on the cheaper cotton goods suggested; I insisted on cutting out high duties proposed on gloves, and urged reductions in other duties, including shoes and other manufactures of leather.

Not a Perfect Tariff — the Best Obtainable

I did not secure all the reductions that I believed should be made. The woolen schedule should have been lowered; it was not, because a combination of Representatives from the manufacturing and wool-growing sections of the East and West had a majority in Congress, which was overwhelming. Not only would it have been useless to try to beat it, but a reopening of the old fight between the growers and the manufacturers settled by the present schedule would have unfastened a Pandora's box that might have defeated the whole bill.

The Democratic South, with the Northern lumbering States, prevented free lumber; another combination of the same sections made impossible the lowering of the much criticized cotton schedules. As has always been the case in making tariffs in this country, certain combinations of sectional interests in Congress — formed irrespective of parties, upon purely industrial lines — had majorities, which were a matter of fact and must be recognized as such.

I finally signed the bill. Not because it was a perfect tariff; ideal tariffs are an impossibility under the method of tariff legislation we have employed. I signed it because it was the best I could secure under the circumstances; because it represented a considerable downward revision from the Dingley tariff; and because, all things considered, I did not believe myself justified in holding up the business of the country for months longer by vetoing this bill, on the chance of getting a better one. The bill gave free hides and free ore; it reduced the duty on iron ore 75 per cent; on coal, 33⅓ per cent; on lumber, 37½ per cent; on all classes of iron and steel manufactures very greatly; and, generally speaking, made large cuts in the rates on the necessities of life; while, to offset this, it made large raises on luxuries.

Veto Meant Temporary Popularity

It was perfectly clear to me, at the time, that I could achieve a temporary personal popularity by vetoing this tariff bill. It was just as clear that if I did so I would cause such a split with my party in Congress that the entire program of

progressive legislation, to which I had dedicated the whole strength of my administration, would be put in jeopardy. As it was, I kept the friendship and coöperation of the conservative Republicans in Congress — the only section where opposition might have been expected to develop — for my general program of legislation; and, at the same time, I secured, in the tariff bill itself, the means of bringing about what I stand for, and what I believe this country wants — a fair protective tariff, based, not on guesswork, but on actual evidence.

Under the section providing for a maximum and minimum tariff, enacted to allow the President to make terms with countries discriminating in their tariffs against the United States, there is this provision:

"To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs law, the President is hereby authorized to employ such persons as may be required."

An appropriation of $75,000 was made for carrying out this provision.

A Scientific Tariff in Two or Three Years

When I signed the tariff bill, I announced that I held this paragraph to give the President the right to secure the statistics covering the prices and costs of production of goods at home and abroad, upon which scientific tariffs must be built. In September I appointed a tariff board, headed by Professor H. C. Emery, the Yale economist, to take up this work. At my instruction, they prepared an estimate of the cost of a comprehensive investigation of the kind I wanted. I have now asked Congress for an appropriation of $250,000 for this investigation. I certainly hope it will grant it.

A thorough investigation of this kind will take between two and three years. It is not unlikely that, in the light of accurate statistics, we may find that certain schedules in our tariff are too high. If we do, I shall at that time not hesitate immediately to recommend their revision.

Two Kinds of Tariff Boards

This is my idea of the proper function of a tariff board. Others have favored another plan. Senators Beveridge and La Follette have urged the choice of a board which would itself prepare and present a schedule of rates to Congress. I do not believe this plan to be feasible — my chief objection being that it would not result in legislation. The House of Representatives is sensitive of its right to originate revenue measures, and resents the delegation of this to bodies outside itself. As a matter of fact, this very plan of a tariff board was tried in 1882, and failed utterly.

I believe that the work of a tariff board should be to secure and to present evidence, not to frame a tariff. With this evidence before it, Congress will act fairly and wisely; and the United States will have, under this method, a tariff established on a thoroughly scientific basis — as it should have had a quarter of a century ago.

How the Corporation Bill Passed

I had not expected to secure, during the special session for the tariff, any part of the general program of progressive legislation to which we were pledged. But, as it happened, we were able at that time to take our first step in corporation legislation.

Probably the most important single movement initiated by President Roosevelt was that to bring the corporations of the country — especially the great railroad and industrial railroad companies — under the sure and proper control of law. It is a development along new lines, which must be made with the utmost care and intelligence. But the provisions now needed are along the line of publicity and supervision.

The first step of my administration in this direction was the corporation tax enacted in the tariff bill. The passage of the measure came about in this way:

I had stated in one of my speeches that, while the Supreme Court had held a direct tax on incomes to be unconstitutional, I believed a constitutional bill could be drawn which would tax them indirectly. I was referring to a tax to reach the dividends of corporations.

When the tariff bill was in the Ways and Means Committee of the House, Speaker Cannon reminded me of this statement, and asked if I would not have this done, and let him see if he could get it substituted for a tax on tea and coffee which had been suggested in the Committee.

I sympathized with Mr. Cannon's opposition to a tax on tea and coffee, and I directed the Attorney-General to draw up the bill for a corporation tax. This is an excise tax levied upon the net earnings of corporations, from which, of course, dividends are paid on stock, and so, in effect, is an indirect tax on stock dividends. It was framed along the lines of former special excise taxes, which the Supreme Court had pronounced constitutional.

Mr. Cannon placed this measure before the Ways and Means Committee, but they declined at that time to incorporate it in the bill.

The Bill Put Through in the Senate

In the Senate, a number of the members — including Messrs. Borah and Cummins — favored the passing of another direct income tax. While, in theory, favoring an income tax, I believed it would be unwise to pass one, and thus virtually invite the Supreme Court to reverse its former decision against the act of 1894, and I expressed this view to both Senators. But so large a body of Senators — including Democrats and a number of Republicans — was in favor of the direct tax, that the conservative Republican leaders in the Senate feared it might pass.

Senator Aldrich and other conservative leaders of the Senate discussed the situation with me. I was desirous of a corporation tax, and also of securing a constitutional amendment authorizing a direct income tax. I believed that, if Congress passed this corporation tax, and put through a resolution for an income tax amendment, it would be a much better way to establish the right of the Government to tax incomes than by passing another law in the face of the Supreme Court's decision. The conservatives were confronted with the alternative of putting through this plan or getting an income tax, and they chose the former. Senator Aldrich — who believed that the tariff would furnish enough revenue without an income tax — proposed that the corporation tax expire at the end of two years. I objected to this, and no limitation was made. The corporation tax and the resolution for a constitutional amendment passed both Houses.

First Step in Corporation Supervision

Now, the corporation tax is a small one — only one per cent on corporations' net incomes exceeding $5,000. This tax, levied on all the 400,000 corporations in the country, is expected to produce over $25,000,000 a year — a very considerable addition to the country's income. But at least as important as this is the fact that this bill marked our first step in the Federal supervision of corporations.

By this law every corporation in the country is compelled, under severe penalties, to file with the Internal Revenue Department annually a sworn financial statement showing its gross income, net income, debts, and a variety of other facts of importance, indicating the size and success of the enterprise. This will insure, for the first time, a complete and accurate body of statistics covering the corporations of the country. And it will be a very serious and dangerous thing for a corporation to neglect filing or to falsify these records.

It was proposed in the corporation tax bill as passed that the returns filed should be public records. There was considerable objection to this. It was claimed that it would give the public in general, and business competitors in particular, knowledge of a corporation's affairs which might be used to its detriment, chiefly in the case of small corporations. We were preparing to make the records public, however, when it was found, last February, that the bill did not provide funds in such a way that they would be available for the work of making these corporation returns public records. I immediately caused this fact to be communicated to Congress, with a request that money be furnished for the purpose.

Who May See the Corporation Returns

It now appears likely that Congress will pass a bill putting upon the President the decision as to just how much publicity these returns shall be given. Such a decision seems to me easy to make. There are three parties having an interest in such returns — the public, the corporation's stockholders, and the Government. I shall hold that all returns must be open to the proper Government officials, and to the stockholders of the corporation. The public will be given access to the reports listed in any stock exchange, advertised, or in any way offered for general public sale; that is, they will be allowed to see the reports of all stocks in which they have a legitimate interest.

The statistics covered by these returns have not a great range; yet, as far as they go, they must be accurate, and their publicity will have in many ways a very important influence. The investing public, generally speaking, has had only such statements as corporations cared to give it; there is no outside guaranty of their accuracy; and a great body of corporations, whose stocks are offered for public sale, make no reports at all. An accurate statement of the primary facts of a corporation's business will go a great way toward protecting the public from investing in swindling and illegitimate schemes, and will give stockholders a true idea of the condition of their investments. The Government will find these figures of use in many matters — in investigating crimes against the anti-trust law, for example, or in determining the exact profits made by corporations demanding aid by tariff protection.

The Radical Advances in the Railroad Bill

On August 9, four days after this corporation tax had become law in the tariff bill, the Attorney-General began work on the second and most elaborate measure concerning corporations on the administration program — the amendments to the Interstate Commerce Act. In framing these amendments, the Attorney-General had frequent consultations with other Cabinet members, Interstate Commerce commissioners, and Senators and Representatives of all shades of belief on the question; and he and I gave every opportunity for all parties interested, both among the railroad men and the shippers, to express their views freely. The result was the measure that I suggested to Congress early in its present session and that is now before it for passage.

I doubt whether it is generally realized how many marked and almost radical departures are made in this bill. The great feature of the Hepburn bill of 1904 was the authority it gave the Interstate Commerce Commission — for the first time — to fix maximum rates. But the Commission could do this only if, upon the complaint of a shipper, the rates were found to be unjust. The new law allows the Commission itself to institute hearings and to fix maximum rates. More than that, it gives the Commission the right, before a railroad puts new rates into effect, to hold hearings and investigations; and, if it finds them unreasonable, it can forbid the advance. The rate-fixing power given in this bill could go very little further without authorizing the Federal Government to dictate directly the prices at which railroads must sell transportation.

To Prevent Stock-Watering and Monopoly

The bill also gives the Commission, for the first time, the power to prevent stock-watering. It forbids, for the first time,— with an exception inserted solely to protect minority stockholders, — the direct or indirect purchase by a railroad of any stock in any other road that is in direct competition with it; and so checks the recent tendency toward monopoly in railroads, by destroying the chief means by which it has been established.

It establishes a special court for the expedition of appeals from the decisions of the Interstate Commerce Commission — one favorite method which railroads seeking to avoid regulation have used to delay and hinder the work of the Commission ever since the enactment of the Interstate Commerce Act. This court, kept free for this special work and trained by experience in railroad cases, can put through its business promptly and efficiently. At present, appeals from the Commission's decisions are brought before Federal judges all over the country. They involve difficult and highly technical questions which do not often come before these judges, and the natural tendency of the judges is to lay them aside for long and careful consideration — as I know from my own experience on the Federal bench. All this means delay, which the new court would avert.

The bill also — as suggested in the Republican platform — allows railroads to make agreements with each other, subject to the Interstate Commerce Commission, thus making legal a branch of railroad operation that was formerly forbidden, but that is practically a necessity.

There have been criticisms of the details in this bill — of the methods of carrying it into effect. The Special Commerce Court has been objected to — I believe, mistakenly. But that the measure, as a whole, adds very greatly to the powers of the Federal Government, besides safeguarding those it already has, cannot truthfully be denied, and all amendments that would actually operate to carry out the clear intent of the law have been welcomed.

Are We Drifting Toward Socialism?

Now, personally, I am utterly opposed to socialism. I believe that the principle of private property — the incentive to self-help which comes from the right of a man to enjoy the fruits of his own labor — is as important, in its way, as the principle of personal liberty. And I do not believe that the doctrines of state socialism, which have become so popular in Europe, are adapted to the spirit of the American people. But, in the powers given the Government to fix rates, it must be admitted that in our relation to railroad corporations we have gone a long way in the direction of state socialism. There is some tendency toward the belief that we shall have to move in the same direction in governing great industrial companies, and that eventually the Government may have to establish the prices they can charge for their products, which is virtually what it does for railroads when it fixes a railroad rate. Possibly this may come, but personally I do not believe it; I think that whatever drift toward monopoly there now is at this point may be checked in other ways.

This problem of dealing with monopolies, however, is a most difficult one. The administration early took up the question as to whether there should be amendments to the Sherman

anti-trust law. After much consideration, it was decided that there should not be; that there was a great and valuable body of decisions under the law; and that, as interpreted by the Supreme Court, the law apparently covered existing conditions so well that we would better not attempt to change it.

Ownership of a Whole Industry Not Necessarily a Monopoly

My understanding of the principle of our present law is this: A monopoly, before the law, is not made such merely by size, but by conduct. You and I, owning two factories, and seeing economies or other advantages of operation in combining them, have a perfect right to combine — even if together we should have a very high proportion of our particular industry. If one corporation should control an entire industry, even that would not be a monopoly, provided it did so by legitimate means — by holding its trade through the superior economies and improvements made possible by large operations, and by giving the public the advantage of these. The public would be protected by what might be called potential competition. There would always be other capital ready to go into the industry when the prices should be raised enough to show a profit. But where a great corporation sets out to stifle competition by illegitimate means,— in such ways as by using its position in the industry to make exclusive contracts, or to kill a competitor by selling goods at a loss in one place, which is made up by higher charges in others,— then it frightens other capital from attempting to go into the same business; and not only is actual competition abolished, but potential competition as well. The public is then at the mercy of a great corporation, or an association of corporations, because of the illegal use of its great power.

You may say it will be difficult to establish that various acts are done or agreements made for the purpose of restraining or monopolizing trade. As a matter of fact, the difficulty of establishing the motive for acts of this kind is not great. If, for instance, a company buys up a competitor's plant, dismantles it, and takes its business, it is not difficult for the average jury to decide that this act was performed to destroy competition.

A Present Need — a Few Trust-Makers in Jail

The serious difficulty in prosecuting men or corporations for creating monopolies comes, as a matter of fact,— in criminal cases,— not from the lack of convincing evidence, but from the reluctance of juries to send the individual offender to prison for what he has done. His acts are newly created crimes; they are *mala prohibita*, not *mala in se*. It is easy for the average citizen to declaim about what should be done to the makers of trusts, but, when he is actually in the jury-box, he finds it very difficult to send a man to jail for practices that, until within a comparatively short time, have been considered legitimate and clever.

In one of the foremost recent trust prosecutions, virtually all of the evidence secured by the Government was based upon the conduct of one man, the president of the offending corporation; yet, when the jury came to render its verdict, this man was set free, and the corporation was fined. This is unfortunate, for, in my opinion, nothing would stop this building up of monopolies more quickly than the conviction of some of the individuals who create them by their illegal acts.

How Standard Oil Could Come Under Federal Incorporation Law

Under the anti-trust law, we are conducting prosecutions against monopolies wherever we find them, and we shall continue to do so. In the meanwhile, the Attorney-General, by my direction, has prepared and presented to Congress, for its consideration, a bill to allow the Federal incorporation of such concerns as care to accept it. In the event of the success of any of the Federal prosecutions now in the courts, the business of the concerns convicted would be so tied up by the broad injunctions which are now adopted in these suits that they would virtually be forced to come under a law of this kind, if one is provided.

The Federal incorporation law, which the administration has suggested to Congress, is planned to bring the great industrial corporations in interstate and international trade under the supervision of the Federal Government. It would be possible, under it, for such a concern as the Standard Oil Company to reorganize such part of its business as is actually engaged in the manufacture and distribution of refined oil. This reorganization would, however, give no corporations immunity from prosecution for acts violating the anti-trust law; they could not extend themselves as holding companies — as so many trusts and monopolies have done in the past; they could not issue stock except for money or against property of its full value; and they would be compelled to file full and complete reports of their business operations with

the Department of Commerce and Labor, and to give special reports whenever the Commissioner of Corporations so ordered.

Great Corporations Under Government Control

In other words, the great corporations of the country — which would probably be the only ones that would find it advantageous to come under this law — would by this act constantly be under the supervision of the Department of Commerce and Labor, and, if they should be found to have broken the anti-trust law, their charters would be forfeited automatically and their right to do business under them would end.

These three measures — the corporation tax, interstate commerce amendments, and Federal incorporation bill — make up the program of laws to regulate corporations suggested by the administration during its first year. No one could hope to offer a complete and final program covering this great subject. But I believe that, if adopted, these laws will place the corporations of this country upon an entirely new basis.

Under them the Government, as the guardian of the people, proposes, by continuous supervision, to prevent monopoly in all forms of railroad and industrial corporations; to prevent, so far as its powers go, the overissue of securities, which has been one of the great scandals of corporation development in this country; to secure and make accessible, to all persons legitimately concerned, the facts of corporation management too often familiar only to the management itself; and to protect the public generally from extortion, discrimination, or oppression on the part of corporations.

The Antiquated Land Laws

The revising of the antiquated land laws governing the disposition of the national domain was another task given to my administration, of scarcely less importance than that of corporation legislation. These laws were made thirty and forty years ago, when the West was one vast unsettled country. They were framed, according to the conditions of the time, for the benefit of the so-called "landless settler" who desired to secure a farm. But, as the country developed, these statutes lent themselves to the fraudulent acquisition, by speculators or corporations, of great areas of land, valuable, not for agricultural purposes, but for lumber, minerals, and, more recently, water powers. This abuse developed to the proportions of a national scandal. For many years radical changes in these laws have been overdue; for several years they have been earnestly urged upon Congress by the President of the United States.

The present general movement for the conservation of national resources was made possible only by the energy and resolution of President Roosevelt. By executive action, he reserved the lands that he had reason to believe were in danger of being wrongfully appropriated, and set out to secure new and proper laws to prevent this. At that time the East had little knowledge of the need of conservation of national resources, and was generally indifferent to it. Many interests in the far West and Northwest were hostile to it. The committees in Congress in charge of the making of new laws on the subject were under the domination of Western men who were not in sympathy with the new movement. Under these conditions, no new laws were secured.

In working to get them President Roosevelt was compelled to educate the people of the country — especially those of the East — to the importance of the subject, and to arouse general public opinion to demand the legislation needed. In this campaign he was greatly aided by Gifford Pinchot, who has done such remarkable work in creating our system of national forests; and in conducting this general crusade for conservation there was built up, largely under Mr. Pinchot, a very strong and effective organization for publicity.

Ballinger and Pinchot

My administration succeeded Mr. Roosevelt's, pledged to the policy of conservation. I chose for my Secretary of the Interior Richard A. Ballinger, Mr. Roosevelt's choice as Commissioner of the General Land Office,— the most important division of the Interior departments, — a "reform" Mayor of Seattle, who had the confidence and esteem of the great Northwest section of the country. Mr. Ballinger, while Land Commissioner, had been most energetic in prosecuting frauds; but he had the belief, quite generally held in the Northwest, that the Government should not hold back the public domain from development more than was necessary; and in this I sympathized with him.

Mr. Ballinger strongly advocated the passage of new land laws; but he questioned whether some of the acts taken under Executive power in relation to protecting and developing public lands had been entirely within the present law. A difference of opinion soon arose between him and Mr. Pinchot, involving, in the first place, the withdrawal of public lands to protect water-power sites, and matters connected with

the reclamation service; and, later, a very strained situation arising out of intimations of a young investigator for the Land Office, Louis A. Glavis, that Mr. Ballinger's relations with certain Alaskan claimants had not been consistent with the public interest.

These charges of Mr. Glavis, and the evidence upon which he based them, were given to me, and were carefully considered by me, and by the Attorney-General, at my request; and, with the full evidence in the case before us, we both decided that they consisted entirely of unfounded suspicions, and that Mr. Glavis should be discharged. Mr. Pinchot had been appealed to by Mr. Glavis in his series of protests against Mr. Ballinger, and he and Mr. Ballinger were now in entire disagreement. The very effective medium for publicity built up under Mr. Pinchot in the campaign in favor of national conservation was directed to attacking the administration. Finally, Mr. Pinchot forced me — very much to my regret — to dismiss him from the Government service. In my opinion, there has been, up to the present time, a total lack of evidence to confirm the charges made so freely against Mr. Ballinger.

First of All, Protection of Lands Now Withdrawn

In the meanwhile, bills have been introduced into Congress representing the principle that the administration believes should govern the disposal of our remaining public lands. The most immediately important of these is one to give the President and the Secretary of the Interior specific power to withdraw public lands from entry or settlement, pending proper legislation by Congress and proper classification for their sale.

Tens of millions of acres were withdrawn by executive orders of Mr. Roosevelt, covering all known lands of special value for coal, oil, or water powers. All lands of this kind are still withheld by my administration; but the legal right of the Executive to do this has been questioned. Members of Congress from the West, who are not friendly to the conservation movement as it has developed, have claimed that in issuing these orders the President is encroaching upon the power of Congress to dispose of the public domain, and that the right to withdraw great areas of land indefinitely might easily become a dangerous power for a President to hold.

In some sections of the West, individuals are now actually taking up lands that have been withdrawn by the President's order, on the theory that the withdrawing of lands in this way was not legal. This has been the case in the valuable oil lands in California — three million acres of which are withdrawn from entry. It is only the strong speculative interest that is able to make an entry in this way and fight the question through the courts; and if, for any reason, the contentions of these interests should prove right, it would mean that the lands we are seeking to preserve would have been withheld absolutely from the hands of the people who respect the law, and have fallen into the hands of just the people who ought not to have them.

Principles of New Coal, Oil, and Water Power Land Laws

A law to make certain the Executive's power to hold back land was, under these circumstances, the first desire of the administration. There are eight other bills to complete the program of conservation. The principle of the new laws covering coal, oil, and phosphate lands is that the ownership of these special deposits should be separated from the land and the deposits paid for on the basis of their actual value. The principle in these bills governing the disposition of water power sites is that the Government should reserve, in whatever title it gives to them, the right to protect the public against overcharges by a periodical regulation of rates. And in all these transfers of coal, oil, and phosphate lands, or lands with water powers, provision is made for forfeiture of title whenever they are made a part of a monopoly.

There is only one bill that I feel to be essential at the present time; that is the one assuring the President's right of withdrawal. When this power is granted, the lands that President Roosevelt and I have withheld from entry will be safe, the geological department can classify them properly for sale, and Congress can give its attention to working out the exact details of the best laws possible. This will require careful and mature thought, which will naturally take time. I have, however, a great sympathy for the feeling of the West and Northwest that the Government should settle this question as soon as possible, in order to permit the development of the resources in the public domain.

Postal Savings Banks and Bonds

Another piece of legislation for which there has been need in this country for several decades, and which was made a part of our program for new laws, was the Postal Savings Bank Bill. Nearly all the great nations in the world, except the United States, have had this institution for years, and in this country bills provid-

ing for such an institution have been introduced in Congress almost yearly since 1873. There can be no question as to the need of them.

It is estimated, from the statistics of other countries, that new savings banks would gather up fully a billion dollars in the United States. The United States has now outstanding some $700,000,000 worth of two per cent bonds, upon which our national banks base their currency. This great issue of two per cent bonds represents the credit of the United States on an entirely false basis, due to the special artificial market created by the banks, which must use these bonds to secure their issues of bank-notes. It was my belief that, by using the funds accumulated by the postal savings bank, this country could gradually buy up this issue of bonds, and once and for all place itself on its actual credit. It can then provide new and scientific arrangements for securing our issues of paper money.

Some of the Western senators were much concerned about keeping the money in the banks of the sections where it was deposited, and for this reason introduced amendments in the bill, which make impossible the provision for the two per cent bonds. I regret this: not because I do not sympathize with their purpose, but because they have, in my opinion, defeated what I hoped could be done, without establishing any possibility of accomplishing their own purpose. Money can scarcely be staked down where you put it, like a piece of sod. These deposits in local banks will move, just as all bank deposits do, wherever they can be used with most profit. However, the securing of a sound postal savings bank system will mean the establishing of an institution that will be of the greatest value to the country.

Other Legislation

Other matters in the program of legislation that has been proposed are the Anti-Injunction Bill, planned to insure the proper use of the power of injunction in labor suits, and the bill for governing Alaska.

I believe in the former, first, because it was promised in the Republican platform, and, second, because it is right — giving organized labor the rights to which it is entitled in its disputes, and no more.

I have advocated the governing of Alaska by a legislative council appointed by the President, because I believe that the population of that country is as yet too sparse and shifting to govern itself as a territory. A council situated in the territory and knowing the local needs will govern it properly and successfully, as the commission in the Philippines has done in those islands three thousand miles away from the United States.

A Deficit of $60,000,000

These are the main features of the administration's legislative program, which it proposed during its first year. Its executive work was also carried on according to a new program.

The Government's fiscal year, which ended four months after my inauguration, showed a deficit of $60,000,000 in its ordinary operating expenses — excluding, of course, the great expenses on the Panama Canal. The new tariff is increasing the Government's receipts from customs about $35,000,000 a year over the old; the new corporation tax, when fully collected, will add $25,000,000 a year more; and during the past year there has been a large increase in internal revenue over the year before. This growth of receipts, however, has been somewhat offset by added expenses, and there will be a deficit of some $30,000,000 in the ordinary Government operations for the current year ending June 30, 1910. In the year ending 1911 we expect to have a surplus of $35,000,000 in our ordinary operations. Much of this is to be secured by cutting expenditures.

It was clear, when I took office a year ago, not only that the revenues must be increased, but that the expenditures must be cut in a systematic way. There had been in the past practically nothing corresponding to the budget in other countries. This country, growing and prosperous, had blundered along some way with the revenue generally exceeding its expenses. But in the Sundry Civil Appropriation Bill of a year ago a provision was introduced putting upon the Secretary of the Treasury the duty of estimating the revenues for the coming year, and calling upon the President, if these seemed likely to be insufficient, to recommend means to meet the deficit.

A $94,000,000 Cut in Estimates

During the last ten years the ordinary disbursements for running the Federal Government have increased $200,000,000, an average of $20,000,000 a year. The appropriations for the year ending June 30, 1910, were already made when I took office. My Cabinet, however, immediately began making their estimates, at my request, for the year ending June 30, 1911. By concentrating their attention on this, and beginning six months earlier than had been customary, they presented to Congress this winter estimates that were $94,000,000 lower

than those for the year before. With the expenditures on the Panama Canal excluded,— as they should be to make any comparison of value,— these estimates showed a $55,000,000 decrease below the appropriations of the year before.

The Antique Government Bureaus

To make cuts of this kind, it was necessary to make a thorough study of the Government's whole system of doing business. It was found to be a very singular one, full of antiquated survivals, reaching back, in some cases, as far as the eighteenth century. Government business is conducted by bureaus; it has grown, whenever new work has been taken up, by adding one bureau to another; and there has been no thorough attempt — as there must be — to take up this aggregation and examine it as a whole. But, during the past year, two or three of the department heads have made cross-sections of their own systems that are illuminating.

The bureau system of the Navy Department — dating from the 1840's — has probably received more public criticism in recent years than any other. Secretary Meyer, whose observations of the Russian-Japanese War, when Ambassador at St. Petersburg, had given him very definite opinions concerning the advantages of the compact military organization of the navy of Japan over Russia's naval bureaucracy — set out, immediately upon taking the naval portfolio, to modernize the system in our navy.

Changing the Naval Bureaucracy

Through a board of four aides, appointed by the Secretary as his advisers, and covering the four main branches of the navy's work, he correlated and systematized the operations of the various naval boards and bureaus, and focused an intelligent control of the complicated machinery of this department in the Secretary.

In the industrial operating of navy-yards there has been in the past an almost unbelievable duplication of plant, a lack of proper correlation between bureaus, and an absence of any modern system of cost-accounting. Work aggregating into the tens of millions of dollars every year was produced, without any exact knowledge of the cost of the finished product. Secretary Meyer introduced into these yards an industrial organization corresponding to that of foreign navy-yards and the great shipbuilding firms; and, for the first time, a system of cost-accounting is being established. Mr. Meyer's estimates for his department for the year 1911 were cut $10,000,000 below the appropriation for 1910. When his system is thoroughly installed, Mr. Meyer anticipates the saving of millions more — without the slightest decrease in the efficiency of the navy. In fact, the introduction of modern methods can scarcely avoid greatly increasing its efficiency.

Survivals in the Treasury Department

In the Treasury Department, a thorough investigation, conducted with the assistance of commercial experts, uncovered methods of business even more archaic than those in the Navy Department. Some of the survivals in this department were extraordinary. One of them is the geographical arrangement of the customs districts. This remains virtually the same as when it was established in 1789. Pittsburg and Cincinnati still remain in the district of New Orleans; and at some of the smaller ports — survivals of a century — it costs from $100 to $300 to collect every dollar of revenue.

In the mint at Philadelphia women were still weighing coins by hand. In every important mint in Europe machines were in operation, which weighed more coins in ten minutes than a woman could in a day, and more accurately. By one piece of reorganization $100,000 a year was saved there.

In the Treasury Building there was a bindery engaged in binding linen sheets upon which a certain class of mail was pasted for filing — a custom that had been continued since the days of Alexander Hamilton. This bindery was abolished.

When the Government's paper money was printed by private concerns, years ago, it was considered necessary to place the seals and numbers on the notes in the office of the Treasurer. Some twenty-five years ago the printing was taken over by the Government's Bureau of Engraving and Printing. The old plant, for the second printing of bills, remained, and grew, in the Treasury Building. The elimination of this needless establishment saved $100,000 a year.

It would be impossible to specify all the various savings made merely by establishing modern business methods. The reorganization of the work of only one of the six auditors under the Treasury Department, with the purchase of a few adding-machines, saved $80,000 a year. Fifty thousand dollars a year was saved on express charges on paper currency returned from New York for destruction in the Treasury Building, simply by cutting the bills in two, mutilating them, and sending the halves in separate packages by registered mail.

Without completing any general system of business reform, the Treasury Department has

been able to substitute a cut of $2,000,000 in the estimated expense for next year, in place of the annual increase of $2,000,000, which has come about in the Department for the past five years.

The Government's Need — a Modern Business System

I tell you this simply to illustrate the urgent necessity that now exists of installing modern business methods in the work of the Government. There has been loss to the Government by dishonesty, as was shown last year in exposing the spectacular customs frauds at New York; there has been loss by incapacity of public employees: but the greatest loss has come from the lack of proper modern business organization and methods — so far as they can be applied to Government work. To show how little of this there has been, it is only necessary to say that in all the industrial operations of the Government — involving the expenditure of tens of millions of dollars every year — there was found not one modern system of cost-accounting that would give the cost of the articles produced.

Savings of $100,000,000 a Year

The United States now has an expenditure, all told, of over $1,000,000,000 a year. The savings that have been reported as possible by the different departments in various branches of the work run from five to forty per cent. Men who have been active in the administration's efforts for economy in the departments estimate that, if Congress will coöperate in the employment of experts, probably $100,000,000 a year can be cut off from public expenditures, simply by doing the same amount of work that we now accomplish by better business methods. This means that the cost of government can be reduced by more than the entire cost of the Federal Government in any year before the Civil War. As an annual saving this is an immense prize, and is worthy of the concentrated efforts of the entire administration.

In order to make permanent reforms of business methods and savings in expenditures, I have requested Congress to coöperate with me by establishing a Congressional committee, which will employ experts to investigate the general bureau system of the Government, point out where it is wrong, and present modern and economical systems to take their place.

Results the Best Explanation

I have outlined to you, in a general way, the work and aims of my administration during its first year. I have one aim in the Presidency — to make a broad and permanent advance in the powers of the Federal Government, and in their enforcement. I have been pledged to this, and I propose to carry out my pledges. And I believe Congress will put through a very considerable part of our program of progressive laws before this session is adjourned. What I hope for my administration is the accomplishment of definite results, which will be self-explanatory.

THE UNITED STATES AND THE WAR CLOUD IN EUROPE

BY

THEODOR SCHIEMANN

PROFESSOR OF HISTORY AT THE UNIVERSITY OF BERLIN

TO talk about German-English relations to the American public possesses a very particular charm for a German. The people of the United States of North America grew into a nation from a Dutch-English root. After the two great wars, one of which confirmed its political independence and the other its national unity, the United States absorbed so considerable an infusion of German blood that both the English and the Germans regard themselves as closely related to the Americans. The intellectual and the political developments of England, as well as of Germany, find a wide and sympathetic interest in America, and, in the event of a conflict between Great Britain and Germany, the sympathies of the American people would be nearly equally divided.

Now, unless we go back to the days when the English nation was in its formative period, we do not find a single conflict between England and Germany leading to a bloody settlement. Since the days of the great William of Orange, German princes have sat upon the English throne. The Emperor of Germany is a grandson of Queen Victoria, whose reign elevated modern England to the Power that it is to-day — the most extensive colonial empire and the strongest sea power of the world. A remarkably fruitful interchange of work in science, art, and literature took place between England and Germany — what was thought and accomplished in England found its echo on German soil. Shakespeare and Goethe, Macaulay and Ranke, Bacon and Kant, Darwin and Humboldt, Handel and Beethoven, built bridges that carried the culture of England to Germany, and, in return, bore the culture of Germany back to England.

Although the political antagonism that rules the situation of the world to-day is of recent origin, its roots reach far back into the past. In the course of the three and a half centuries that have elapsed since the days of Queen Elizabeth, there have grown up on English soil certain political traditions, which have so entered into the very flesh and blood of the nation that they may be designated as national instincts. England has expressed these instincts in the wonderful energy and stern egoism with which she has put down every strong naval power that has arisen. Spain, Holland, France, and last of all Russia, have passed through the experience; and just here we wish to raise the point that on all of these occasions great English interests certainly were at stake.

In the conflict with Spain, England defended her independence of Church and State, and at the same time opened for herself the doors that led into the colonial empire, hitherto sealed through the monopolistic policy of Spain, of the American and Asiatic continents. Against Holland she waged war for a colonial future in southern Asia and Australia; against France for India and North America; and, in the days of the Corsican Emperor, for her position in the world as a whole — trade, colonies, sea power. England has twice annihilated the Russian sea power: in the Crimean War, for the sake of the near East, and in order to withdraw the trade in the Levant from the Russian influence; and in the Japanese-Russian War, to destroy Russia's prestige in Asia, and to prevent any superior power from arising in the far East.

Germany does not in the least claim it as a merit that she did not get in England's way in these questions of interest. The centuries during which England was waxing great were Germany's most difficult times. The battle for freedom of conscience was fought out on German soil during the epoch of the Reformation, and after that in the horrors of the Thirty Years' War. Meanwhile Germany's commerce, the sea power of the Hansa, the colonies that she

won on the Baltic, were lost to her. It took her a century to recover in some degree from this, and although the foundation of the Brandenburg-Prussian State was laid in the wars that Frederick the Great waged against the three great Continental Powers, Germany saw it collapse again, and she was obliged to endure eight years of frightful alien rule before Prussia, through the heroic battles of the Wars of Liberation, won the moral right and incurred the national duty of becoming the future unifier of the discordant German people.

This unification was foretold in the enthusiasm of the men of 1848 — the men who, like Carl Schurz, later found refuge in America, and served their new country without ceasing to remain true to their old ideals. But the dream of their long-sighted idealism was wrecked, for the stern law of State-building demands great sacrifices for great results. German unity was destined to be ushered in with "Blood and Iron" in the years 1864–66, and with "Blood and Iron" it had to be maintained in the great years 1870 and 1871. For no French writer of history any longer disputes the fact that not only Napoleon III. but the entire French nation held it to be their hereditary task not to tolerate a united Germany, on any terms whatsoever. And, to the present day, this new Germany is felt to be a disturbing impropriety — not only by France, but also by Russia and England. In the course of the forty years that have elapsed since the beginning of the Franco-Prussian War, Germany has been obliged, in consequence, to strain all her intellectual and material forces in order to maintain her hardly won position.

The first thing that was necessary after the victory was to consolidate the internal structure of the Empire. During these forty years every nerve in Germany has been strained, in the workshop and the laboratory, in the lecture-rooms of the universities, and on the fields of the peasants. But men toiled — as the Bible says — with sword on their thigh. France and Russia, and before long all Continental Europe, adopted the Prussian-German system of universal military service; and when France and Russia formed an alliance, Germany was placed in a dangerous position. In the west the idea of revenge for 1870 was still active, and in the east the ancient national hatred of the Slavs for the Germans constantly acquired a more annoying expression. The German-Austrian alliance of 1879 was made in direct recognition of that danger, and the history of the last thirty years has proved that it was entered into *only* for defense. Prince Bismarck expected to draw England also into this Peace Alliance, but England declined the alliance that was offered her in 1880. Fortunately, the German-Austrian combination sufficed to prevent the war that seemed imminent in 1887; but four years later Russia and France signed an offensive and defensive alliance, and the danger was renewed. Therefore, Germany's alliance with Austria was not regarded as a sufficient protection against the Russo-French alliance, which bound together the two strongest sea powers next to England, so that, in the case of a war, Germany was forced to reckon on having these three probable opponents hurl themselves against her on the sea as well as on the land.

In the year 1887 Germany controlled only 108 war-vessels, of various classes, with 571 guns, while Russia and France could send 711 war-vessels, with 2,400 guns, into a fight. But in 1898, when the first naval bill of Emperor William II. was adopted, Germany had 19 great battleships to oppose to 61 French and 55 Russian. It was against this combination that the new naval bill was aimed, as was also the naval bill of June 14, 1900, which was modified only by curtailing the life of the battleships from twenty-five to twenty years.

It is to the historical renown of Emperor William that this naval program was carried out, and that Germany's marine to-day is so powerful that even an opponent of the first power will not challenge it without carefully reflecting. But its aim is not merely the protection of Germany and German honor. Ever since the eighties Germany has had a colonial kingdom to protect, which, although it cannot be compared with the tremendous English and French colonies, still offers her a broad field for development; and these colonial possessions would be almost helpless before any foe, if Germany could not defend her kingdom with a fleet of sufficient power. And, in conclusion, Germany's commerce requires protection on all the seas. The weak man cannot trust his judge, and the dream of the peace advocate is nothing but a dream. One thing, at least, can be stated with all certainty — that no one in the German Empire has thought of such a thing as breaking through the boundaries that insure peace and security of possession to those nations that respect the rights of others.

How, then, are we to explain that hostility of England toward the German Empire which has been steadily assuming a more menacing form ever since the beginning of the twentieth century?

The first actuating cause was solicitude with regard to the competition that Germany was offering to English commerce. But, apart from the fact that all commerce is founded upon com-

petition, let us here point out that England exports far more wares to Germany than Germany supplies to England, so that the Germans are England's best customers on the Continent, and that the English merchant fleet far exceeds Germany's merchant fleet, just as England's balance of trade surpasses our balance of trade. The figures that prove this are to be found in any handbook of statistics. This preëminence England maintains; although, as the population of Great Britian amounts to 41,000,000, while Germany's is 62,000,000, the share that falls to each individual Englishman is of greater value than the corresponding share to each German. Germany, which has 21,000,000 more persons to support, and must produce correspondingly more, bears, in addition, the burden of a policy of social insurance that no State in the world can match. England, on the other hand, lives on the interest of the vast wealth that she has inherited, and possesses the richest gold-fields on earth; in fact, she participates in every profit that the opening up of the world offers to civilized nations. It is difficult to understand how, under such conditions, she can descry an injury in the growing prosperity of other nations.

The notion that other peoples must stagnate in their development, merely in order that England may be able to pursue her aims in accordance with old methods, cannot be justified. President Roosevelt, on the occasion of the unveiling of the statue of Frederick the Great in Washington, gave utterance to a fine sentiment:

"The prosperity of one nation signifies, under normal conditions, not a menace, but a hope, for other nations."

Therefore, in the most decided manner, Germans repel the assumption that their material gain, which is the fruit of their labor, gives England the right to complain. The competition that America offers to England is far greater than Germany's; but we have heard nothing about England trying, by a "made in America" law, to establish a boycott such as she contemplates by a "made in Germany" law against Germany.

There remains, as a reason for England's hostility to Germany, only the fact that Germany has strengthened her navy. I have already said that this navy was originally designed to oppose the possible combination of the Russian and French fleets. Also, that Germany was face to face with the indisputable necessity of being in a position to afford adequate protection to the German merchant marine and the German colonies. But every instinct of the English nation, which will not tolerate another strong sea power, was inflamed by the fact that this German navy has now actually arisen, and has been built up with consistent conscientiousness and care, and that Emperor William has succeeded in winning over his people to the idea that it is essential to possess a navy that will command respect, unless Germany is prepared to resign from her position as a great power.

An article in the *Saturday Review* for September 11, 1897, expressed these sentiments:

"A million petty disputes build up the greatest cause of war the world has ever seen. If Germany were extinguished to-morrow, the day after to-morrow there is not an Englishman in the world who would not be the richer. . . . Hamburg and Bremen, the Kiel Canal and the Baltic ports would lie under the guns of England waiting until the indemnity were settled. But when our work is done, we can say to France and Russia: 'Seek compensation for yourselves in Germany.'"

The *Spectator* for January 16, 1897, had already said something similar:

"The German flag is everywhere. But on the declaration of war the whole of Germany's trading-ships would be at our mercy. . . . Meantime, that German competition in the neutral markets which is so deplored by our merchants would cease to exist. We should hear no more of Germany getting command of the Chinese and Japanese markets. The prospect of Germany being fined a couple of hundred millions, and losing her colonies and her prestige, political and commercial, would by no means be regarded by the Powers as something to be prevented at all costs."

A great many papers, particularly the *National Review* and the *Times*, have voiced this same policy since 1901. At that time official England did not pursue this policy, and when, at the beginning of 1903, the *Times* passionately protested against England joining Germany in the new Jewish questions, Balfour regarded it as his duty to remind his fellow countrymen that these international animosities were a source of international weakness, that all nations that stand in the front rank of civilization must learn to work together for the best interests of the whole, and that nothing stands more in the way of the realization of this lofty ideal than international asperities, jealousies, and animosities. He was filled with uneasiness for the future when he reflected how easy it is to kindle the fire of international jealousy, how difficult it is to quench it again.

Balfour's words had no effect. The anti-German current finally swept the Government along with it, and after the concluding of the

English-Japanese Alliance in 1907, and the understanding with France in 1909, the policy of the English Government acquired a directly hostile character in relation to Germany.

As the relations between Russia and Germany had just then assumed an extremely friendly character, a union of the navies of these two countries was temporarily considered as a possibility; and England's apprehension was allayed only by the outbreak of the Russo-Japanese War, and later entirely set at rest by the outcome of the battle of Tsushima and the long-continued Russian revolution. The English sentiment of hostility toward Russia disappeared, and thenceforth was directed exclusively toward Germany, who was now forced to rely entirely on her own navy.

Already, in 1904, the *Army and Navy Gazette* had said, on the occasion of the Doggerbank affair, that the German navy was now the sole menace to the peace of Europe; if it should prove necessary, for the maintenance of that peace, to call a halt to the further increase of German ships, the British navy could not undertake any more important task. On February 3, 1905, after the new disposition of the English fleet had been effected in such a manner that the greater portion of its power was concentrated on the North Sea, the Civil Lord of the Admiralty, Arthur Hamilton Lee, M.P., explained that, "in case a war should, unhappily, be declared, the British fleet, under existing circumstances, would be able to strike the first blow before the other party had time to read in the newspapers that war had been declared." But the *Daily Chronicle* commented upon this as follows:

"If the German navy had been destroyed in October, 1904, we would have had sixty years of peace in Europe. On these grounds, I regard Mr. Arthur Lee's statement, in view of the fact that it was made in a report to the Cabinet, as a wise and peaceful declaration of the immutable intention of the *Mistress of the Seas.*"

Obviously, a similar "peaceful" intention lay at the bottom of the proposal that England made to M. Delcassé when she announced that she was prepared to furnish an army of 190,000 men from her navy in case of a conflict with Germany.

These examples will suffice. They might be multiplied by more than tenfold. Every number of the *National Review* publishes, under the caption "Episodes of the Month" and in special articles, deductions which may be summed up in the battle-cry: *Germaniam esse delendam* — Germany must be wiped out. But the key to England's foreign policy was the effort to isolate Germany. All King Edward's political journeys have had this aim in view — the Russian-English agreement of August 30, 1907; the attempt to detach Italy from the Triple Alliance; and, finally, the futile attempt of last year to win over the Emperor Francis Joseph to the anti-German combination.

Surely, it is only human, and easily to be understood, that, in repulsing these more or less unequivocal menaces, many a word should have been uttered and printed on the part of Germany, also, that might better have been unsaid, and it is equally comprehensible that our navy should have exerted all its forces, so that, in case it should actually be attacked, it might be in a position to hold its own against the enemy. But in this crisis the German people have pursued their avocations in all quietness. In spite of the great superiority of the English war fleet, there has been no panic; the efforts that Lord Harmsworth and Lord Beresford made to incline America toward an alliance against Germany passed almost unnoticed. Germany knew that the great Republic had no reasons whatsoever for being hostilely disposed toward her, and that they stood on the same ground in the two most vital questions of world politics. Both Powers *desire that the seas shall be free, and that the doors shall everywhere stand open to the commerce of the world, on equal terms.*

Even the internal crisis which brought about the dissolution of the English Parliament has not created any excitement in Germany. It evoked on the part of the Unionists the emphasized repetition of all the arguments that have served for the last thirteen years to provoke the public opinion of England against us. But this time it was the English themselves who undertook Germany's defense. Mr. Asquith, Sir Edward Grey, Mr. Lloyd-George, have presented, with the greatest emphasis, proof that the "German Peril" is nothing more than a phantom. Now that the Liberal coalition has carried off the victory with this proof, the great moment has, perhaps, arrived, not only for concluding an honorable peace, but for realizing the ideal thought that looks toward a close understanding between the three great Germanic nations, England, America, and Germany.

A German-English war would be a calamity for the whole world, England included; for it may be regarded as a foregone conclusion that simultaneously with such an event every element in Asia and Africa that is hostile to the English would rise up as unbidden allies of Germany. The great connections of the world commerce would be rent asunder, incalculable values would be destroyed, and every nation in the world would share in these losses.

And all this for the sake of a phantom! The claim that one nation must be the sovereign Mistress of the Seas can no longer be defended. The motto of the future runs: "The sea is free, free as the air, whose highways are equally not to be barred." Equally indefensible is the pretension of one nation to forbid another to decide for itself how strongly it must be armed in order to assure it peace. The control exercised by our Parliament offers a guaranty against foolish excesses.

We are far more vividly conscious of what binds us to England than of what separates us from her, and we are at all times ready to grasp the hand that is stretched out to us. It will be a happy day when this understanding takes place, but it is possible only on the ground of friendship with equal rights.

I venture no suggestions as to the *how*. Perhaps the United States of North America, where German and English blood have been united in so happy a combination, will feel inclined to play a prominent and perhaps a decisive part in this matter. If America, Germany, and England were to stand in unenvious friendship toward one another, the most difficult problem of the future would be solved in the most advantageous manner.

SCHIEMANN ON GERMANY AND THE WORLD'S PEACE

OVER a year ago the world became conscious of a very serious situation between England and Germany. Both nations were spending heavily on naval armaments; and if amount of expenditure may be taken as a measure of the anxiety felt by the two nations, the tension has as yet slackened but little.

Last August McCLURE'S MAGAZINE published an article, based partly upon secret information, on Germany's aërial war fleet; and in October an article by H. R. Chamberlain, London correspondent of the New York *Sun*, dealing with England's apprehensions, and giving the opinions of Balfour, Lord Rosebery, and Sir Edward Grey upon the situation between England and Germany.

The editor of this magazine believed it to be worth while to secure a direct expression of opinion from Germany, and in this number presents Germany's views, plans, and wishes in relation to England and International Peace, as stated by Professor Schiemann, the trusted and confidential friend of the German Emperor. Professor Schiemann's suggestion that the three great Teutonic nations combine for the world's peace may be accepted as the dream of Imperial Germany.

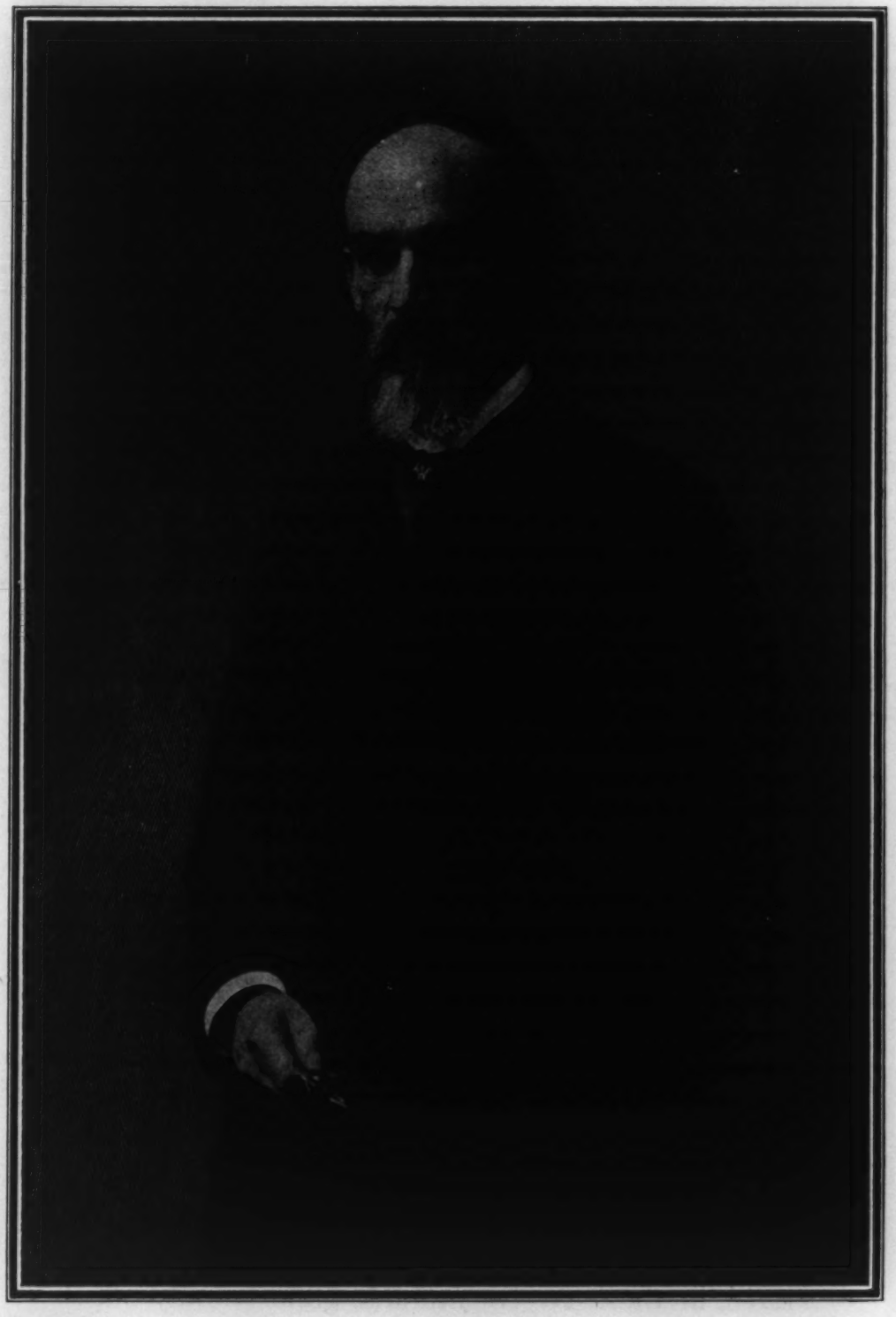
That an understanding among the three great Teutonic peoples of the world could bring permanent peace cannot be doubted; that it has been the hope of the leading minds of Germany for years is well illustrated by the following statement by Professor John W. Burgess, of Columbia University, concerning the attitude of the great historian, Mommsen:

"The interview was long and serious, and took on the form of instruction and advice from the great scholar concerning the problem of the world's civilization. He declared his belief that close friendship and good understanding between Germany, Great Britain, and the United States, the three great Teutonic nations, were indispensably necessary to the solution of this all-comprehending problem; and his parting injunction was: 'Preach this doctrine far and near, wherever and whenever occasion will permit.' When asked if his view was concurred in by Germany's leading men, he answered unhesitatingly in the affirmative."

An article in the *Nineteenth Century* for March, written by Lord Lamington, and presenting the English point of view, concludes with these words:

"An understanding between Germany, the United States, and Great Britain should ensure the *Pax Humana*."

Dr. Wheeler, President of the University of California, returned to the United States in March after a six months' residence as Roosevelt Professor in Berlin, where he had every facility to learn the aims of the men who control the German Empire. Dr. Wheeler sends McCLURE'S MAGAZINE the following estimate of Professor Schiemann and of his article, published in this number of the magazine:



PROFESSOR THEODOR SCHIEMANN

WHO IS THE CONFIDENTIAL FRIEND OF THE GERMAN EMPEROR. HE ACCOMPANIED THE KAISER ON HIS CRITICAL VISIT TO TANGIER IN 1905, AND HAS BEEN THE KAISER'S GUEST ON LONG CRUISES ABOARD THE IMPERIAL YACHT. HE WAS WITH HIM DURING HIS THREE DAYS' CRUISE ON THE KAISER WILHELM II., WITH A BRILLIANT COMPANY OF FELLOW EMPIRE-BUILDERS

"Professor Schiemann is among present-day writers the most far-seeing, straight-seeing, and well-informed representative of German imperialism; that is, of the larger policies, both in foreign and domestic affairs, of the German Empire. His political summaries, published under his name in the Berlin *Kreuz-Zeitung*, are attracting at present more sober attention within Germany than any like utterances, and always stimulate the eager comment of the English, French, Austrian, and Russian press. Their accuracy is matter-of-fact; their intelligent and constant regard for the historical basis, and their sanity and balance of judgment, insure them, by their own right, a hearing; but Professor Schiemann's well-known personal relations to the government, particularly as the trusted confidential friend of the German Emperor, lend them a peculiar significance, and his position as professor of modern history in the University of Berlin also lends its weight.

"In general, it may be said that one who reads Professor Schiemann's articles is not likely to fall much short of learning the attitude of the existing government or of appreciating the considerations that determine the prevailing opinion of those elements of the German people whose opinion becomes effective. In the article here before us he emphasizes three points: first, that the German fleet, being built for the protection of Germany's extending commerce, has no aggressive belligerent intent against any power; second, but that Germany would resent being told by England she must not build, and history teaches her she must resent it; third, that England, in envy of Germany's increasing commerce, is the real aggressor.

"It is my belief that this represents the honest opinion of Germany without suppressions or evasions. But there is one consideration strongly commending the fleet to Germany's favor, though of itself alone incompetent to produce it, which Professor Schiemann has not mentioned; and this is the consideration that the fleet is the only institution that belongs to all-Germany and represents the Empire as a whole. The army belongs to the Empire only by states; but the navy stands for the unity.

"Professor Schiemann's statement at the close of his article of a desire for a common understanding between the three Germanic nations, England, Germany, and America, in the interest of a secure peace, and his implied suggestion that for this common understanding America may well prove to be the chosen and appointed instrument, is the most significant and most welcome expression of his admirable article. BENJAMIN IDE WHEELER."

OUR 17th ANNIVERSARY

With this issue McCLURE'S MAGAZINE is seventeen years old, the first number having the date of June, 1893. The edition of this number exceeds 450,000 copies, the largest June edition we have ever issued. With this number, too, we begin guaranteeing our advertising patrons an average monthly edition of 450,000 copies.

The past year has been the most prosperous in our history. Three different issues have, in these twelve months, gone entirely out of print. I believe our plans justify the statement that, editorially, the next twelve issues will be the best in our history.

S. S. McCLURE

HANDS

BY

FLORENCE WILKINSON

OH, wonderful hands of toilers,
Graved with the signs of your crafts,
White pricked fingers of sewers
And gnarly hands of the field;
Stained hands of textile-dyers,
Flying hands of shuttle and wheel;
I love your pathetic, outspoken,
Unconscious biographies.
I honor you, hands of toilers,
I kneel and I kiss your hands,
Ribbed hands of the storm-beaten sailor,
Withered hands of weary age.
I have seen the hands of a baby,
Little and wandering,
Crumpled like half-shut rose-leaves,
Vague and adorable—
Like a tiny wind in tiny trees
Saying nothing, murmuring.
I have seen the hands of death,
Explicit, fixed and stern,
Autobiographic,
Revealing unalterably.
I honor you, hands of toilers,
I kneel and I kiss your hands.